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NATIVE POLICING IN CANADA: A REVIEW OF CURRENT ISSUES

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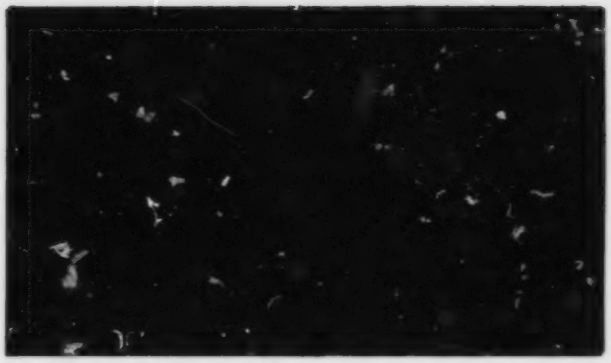

ROBERT DEPEW

NATIVE POLICING IN CANADA: A REVIEW OF CURRENT ISSUES

- NO. 1986-46

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ABSTRACT

This report examines the status of native policing in Canada and provides a critical review of policy and research that bear directly on service delivery systems and programs for native communities. From published and unpublished sources, the report relates unique patterns of native involvement in the criminal justice system to policy strategies that promote the indigenization of native police services. These observations and developments prompt a descriptive and critical review of national and international native police programs which directs attention to both their limitations and the wider environmental constraints on their future development. These issues are brought to bear on a general reconsideration of prevailing philosophies and methods of organizing native police services in Canada. From the perspective of program evaluation and empirical research, problematic aspects of the crime control model of policing are identified at the levels of administration and operations, and related to different known and unknown policy, program and enforcement contingencies. With a view to native police innovation and reform, the differences between crime control and community-based models of policing are discussed while their respective potentials for improving the status of police services in native communities are contrasted. These policy and program issues are related to current knowledge about the cultural effects of native contact with the criminal justice system and examined with respect to their implications for further research.

EXECUTIVE SUMMARY

Introduction: Objectives and Methodology

As a step towards improving the delivery of justice services to Canada's Native population, the Ministry of the Solicitor General has identified a need to review policy, programming and research in the area of native policing. In response to this need, the present report examines the status of native policing in the context of a wide range of issues that have not previously been brought together for discussion and debate.

In general, the objectives of the study are to identify and critically assess models for the delivery of police services to native communities; to examine their policy and program implications; to discuss the wider environmental constraints on their application; and to identify relevant areas and directions for future research.

Consistent with its cross-cultural focus, the study relies on broad comparisons in order to highlight the diversity, variation and change in native policing circumstances especially as they are reflected at the community level. Thus, while a major concern is to review the national literature on aspects of policing status Indians, non-status Indians, Inuit and Metis, the inquiry also draws on the international literature which describes policing strategies and program options for other indigenous populations in the United States, Australia and New Zealand. Within this comparative context, the investigation proceeds to re-examine conceptual assumptions about the place of the police and policing in native communities. As a result of this methodological preference, a number of questions are raised about the appropriateness and usefulness of policing native communities within a general framework of non-native law enforcement.

The report, therefore, is organized according to the following topics and general themes: the native policing problem: the development of native policing with special reference to the indigenization of the police: the wider environmental constraints on policing native communities; alternative models for native policing; and general conclusions and directions for future research.

Principal Conclusions

The first chapter reconsiders the native policing problem in terms of issues that describe the relationship between Natives and aspects of the criminal justice system. Following a brief introduction to the recent history and general status of native police policy, programming and research in Canada, it provides data that outline the nature and extent of native over-representation in federal, provincial and territorial correctional institutions and reviews research on the quality and character of Native/police relations.

Analysis of the criminal justice statistics on native offenders reveals unique patterns of native involvement in the criminal justice system. Despite some similarities in native and non-native offender profiles, the prevalence of minor and alcohol-related offenses provide the basis for native over-representation in the correctional system which in many areas of the country is disturbingly high. These data also indicate that while levels of crime and deviance may vary considerably among Canada's native communities, many native policing problems seem to be more closely identified with issues involving social disorder as opposed to more serious criminal activity. In this context, Indian reserves are a focus of special concern.

Native people also appear to be subject to the extremes of over-policing and under-policing which can lead to disproportionate levels of native arrests and charges, and under-utilization of police services,

respectively. It is argued that these practices may foster or reinforce more narrow definitions of police roles in native communities that emphasize "crime fighting" and law enforcement.

Where the police under-emphasize broader, social definitions of their role in the community, many of the policing needs of Native people may remain unsatisfied or simply unknown. Under these conditions, police service delivery is likely to be seriously out of step with the range of substantive policing problems afflicting native communities. Put another way, the cultural effects of native contact with the criminal justice system are insufficiently known at the community level. As a result, appreciation of the nature and scope of the native policing problem has been restricted while the ability of federal authorities to respond to native problems and needs with the right types of policing arrangements is at least questionable.

However, under political pressure, especially from native groups and organizations across the country, it will be necesary for federal authorities to design native police policies and programs that reflect:

- the social, cultural and political interests of Natives in the policing of their communities;
- a concern for effectiveness, efficiency, economy and equity in the policing process; and
- a level of consistency with wider (i.e. federal and provincial) political and legal systems.

Chapter two examines the development of native policing from national and international perspectives. The primary focus is on policy strategies which place native policing within the broader context of native culture and community, and their implications for programming.

Research findings indicate that many difficulties encountered in the policing of native communities by non-Natives stem from cross-cultural differences in values, norms, beliefs, world views, concepts of justice and

general lifestyles. It is generally assumed by government authorities and police agencies that indigenization of the police can serve as an effective control for understanding, sensitivity and discretion in policing many native communities.

As a result, the expected benefits of indigenization include:

- improvements in the quality and acceptability of police service delivery systems for native communities; and
- reductions in the risk of Natives entering the criminal justice system.

The 1973 federal Task Force report on reserve policing in Canada provides the basic policy framework in terms of which native police programs have been offered and developed. Currently, police services for some Indian and Inuit communities are being provided under a variety and number of organizational alternatives that include native and non-native controlled police programs. However, whether indigenized or not, all police program options for native communities are ultimately derived from a non-native, Western-urban model of policing. While this may be taken for granted by non-Natives, there is evidence which suggests it may not be among many Natives. Significantly, research and evaluation have revealed difficulties in native police program implementation, administration and operations that appear to reflect unresolved policy, program and enforcement differences between Natives (i.e. native communities) and non-Natives (i.e. police agencies and federal government authorities). Some of the more serious issues that arise in this context concern:

- the cultural integrity and status incongruency of native constables servicing native communities;
- low levels of native support, cooperation and commitment to some police programs;
- the quality and quantity of service delivery and delivery agents;

- the lack of community control and involvement in policy formulation, decision-making and program development;

- the organizational structure of the police agency;

- the scope of jurisdicational powers and authority of native police; and

- the generally unknown impact of specific police programs on levels of crime and disorder in native communities.

The above findings and issues raise fundamental qustions about the appropriateness and usefulness of developing native police programs in a variety of native community contexts that ultimately derive from Western-urban models of policing.

International comparisons of native policing arrangements also demonstrate serious difficulties and complexities inherent to the application of non-native and indigenized police models to native communities. The general trend has been to modify and adjust institutional arrangements in order to satisfy the relevant cross-cultural constraints. For example, among some American Indian and Australian Aboriginal reserves, this has meant a closer integration of native police services with "native-oriented" justice systems that involve native personnel and tribal or reserve courts. Elsewhere, as in the case of New Zealand's Maori warden system or Australia's aboriginal reserve police stations, certain native criteria have been promoted in the definition of police statuses and roles. However, the implications of these types of innovations for policing in more direct native terms have been severely limited by, among other things, restrictions on native police jurisdiction with respect to persons, territory and subject matter. More importantly, they have not substantially affected the capacity of Western-urban models of policing to shape crucial institutional arrangements or the power of non-Natives to control the administration of justice in native communities. Therefore, the place of native social, cultural, political and legal interests in community policing is either ignored or incompletely addressed while the general issue arises as to whether justice can be achieved in some native communities under such policing conditions.

The third chapter is divided into two sections. In the first section, cultural, legal, political, economic and demographic aspects of the native policing environment are examined in terms of their current and projected impact on methods for the organization and delivery of native police services in Canada. The second section discusses in greater detail the status of crime control and community-based models for native policing in this wider context.

In general it is argued that as environmental factors vary and change, current methods of organizing and delivering native police services may become irrelevant or increasingly problematic and, therefore, provide scope for possible alternative arrangements.

A most important consideration in this context relates to differences in native and non-native approaches to justice administration. Culturally determined definitions of the police and policing are relevant to differences in the conceptualization and institutionalization of police service organization and delivery. These differences should be taken into account if:

- ethnocentric bias in native police policy and programming is to be avoided; and
- the prerequisites of native policing are to be fully understood.

From this point of departure the discussion proceeds to a criticism of the crime control model of policing and raises questions about its place in both native and non-native society. Next, caveats are raised concerning the unconditional application of traditional native methods of policing to contemporary native communities. It is concluded that culturally distinct native approaches to policing must be developed in view of changes in local circumstances that impact on what is desirable, possible and probable in native policing arrangements.

Differences in legal norms and models between Natives and non-Natives pose a fundamental challenge to the legitimacy of police actions in native

communities. The problematic status of non-native laws and their enforcement in native communities, together with the impact of the demise of customary law, are discussed from a sociological perspective. It is then argued that where cross-cultural differences in legal standards and policing exist, native definitions of their interests in the legal aspects of policing should be recognized where appropriate. Otherwise, the police will find it increasingly difficult to mobilize the support of native communities by appealing to existing non-native laws.

Changes in the political circumstances of native individuals, groups, organizations and communities are identified as the major impetus behind redefinitions of native policing. At the most general level, the constitutional and legal prerogatives of Natives to renegotiate the scope of their special status with federal and provincial authorities are discussed in the context of their implications for the form and content of future native police services. Much of the discussion is focused on issues of police accountability to native public and political concerns, and the possible participation of the community in the policing enterprise as an expression of community cultural identity. These issues are then examined in terms of more particular categories of concern. The politicization of native policing is traced to ethnic, class, generational and gender differences at the community level and discussed in view of prospects for local control over policing. It is argued that while native cultural and political aspirations regarding the policing of their communities should be acknowledged in terms of reasonable and preferred alternative arrangements, local community control of policing can be confirmed only when mechanisms to resolve community political differences are in place.

Economic considerations draw attention to the cost implications of continuing and new native police programs. Significantly, native policing in its current forms is far more costly per capita than non-native policing. Under general conditions of financial restraint, increasing pressure will be applied on federal authorities responsible for native police programs to demonstrate their cost effectiveness and efficiency.

This may prove difficult to do, especially in view of recommendations of previous studies to increase police personnel and services for many native communities that will push costs to even higher levels. While possible cost saving strategies are discussed, the economic viability of current native police programs remains questionable. It is concluded that if alternatives to high cost native police programs are to be found, it is important to consider the policing potential of native community social organization and cultural structures.

The demographic constraints on the design and implementation of native police programs are then examined in terms of variation and change in the size, distribution, composition and mobility of the native population. These themes are developed with respect to a number of specific problem categories that include:

- the political, cultural and economic implications of special policing arrangements for a wider range and greater number of native groups and communities;
- the economic and practical difficulties encountered in policing small scale and isolated native communities;
- the policing needs and requirements of an increasing urban native population;
- the impact of increased growth in the native young adult population on the criminal justice system; and
- the issue of the quality of police services for older urban Natives.

Finally, the policing situation of urban Natives is discussed with respect to the forms of native adaptation to city life. Research findings indicate the existence and persistence of native enclaves where patterns of social participation reflect aspects of rural or reserve life. Although systematic research in the area of urban native policing is practically non-existent, it is suggested that police policy and programs in urban centers cannot assume uniformity vis-à-vis the policing problems and needs of their populations with significant percentages of Native people.

Consequently, a strictly crime control model of policing may be inappropriate or inadequate to the situation of many urban Natives.

The second section of chapter three begins with a brief review of rationales for reform and redefinitions in native police policy and programming. It then proceeds to a general discussion of the types of change required in native policing arrangements and recommends a reconsideration of policing models and organizational structures for native communities. Possible resistance to this approach is considered but dismissed on the grounds that maintaining the status quo in the area of native policing is equally, if not more so, susceptible to environmental vicissitudes. The underlying conceptual issue is brought to the surface and articulated at this point: viz., the identification of principles of police organization and service delivery that facilitate adaptation to local fluctuations and diversity is logically prior and perhaps preferable to the development of ideal police programs for native communites.

. A conceptual model of community-based policing is then presented with three purposes in mind: to describe its structural principles; to examine their status in relation to the general features of crime control models of policing; and to develop a case for the relevance of community-based policing to the native situation.

Much of the ensuing discussion focuses on police role definitions, their relationship to community policing problems and needs, and the organization of response strategies and options. In general, it is concluded that community-based models of policing represent a compromise solution regarding the conditions and circumstances of native and non-native interests in the policing of native communities. Furthermore, it is suggested that community-based approaches to policing may be preferable to crime control models since the former promise more flexible, realistic and productive models for native policing in Canada.

Implications

In the fourth and final chapter, the data, arguments and conclusions of previous chapters are summarized and the overall implications of the report for policy, programming and research are outlined. The chapter is organized on the basis of a discussion of key issues that are divided into three main categories:

- Natives and the criminal justice system;
- the indigenization of policing; and
- alternative models for native policing.

Unique patterns of native involvement in the criminal justice system draw attention to a basic need for police services that focus on law and order maintenance and general policing, and demonstrate an ability to effectively respond to variations in the levels of crime and disorder in native communities. However, the full range of native policing problems and needs remains poorly described and understood. A contributing factor to this situation appears to be police ideology and practice in native communities. Given a more narrow crime control definition of police roles, Natives seem subject to both over-policing which may artifically inflate their "criminal" profiles, and under-policing which may fail to surface the full extent of policing issues in the community.

As a corrective to this general situation, comparative research is required that specifically examines the conceptualization and status of native offenders and offenses, as well as police roles and functions, in native communities. It is striking that little effort has been devoted to demonstrating what precisely police work means to particular native communities in social, cultural, legal and political terms. This question, therefore, requires a research focus on:

- the nature and extent of unreported crime in native communities and its consequences for community and individual welfare;

- the potential and actual forms of self-policing in contemporary native communites; and

- the needs of native communities for external police intervention and local preferences for alternative intervention methods and styles.

Within this wider context, the policing circumstances of native women, off-reserve Native, Metis and Inuit communities should also be considered as research priorities. In view of the general neglect of these communities in the policing literature, an important question to be explored is how their policing problems, needs, preferences and traditions, etc., compare with those of reserve communities, and what types of intervention services they require.

The nature and extent of native women's involvement in the criminal justice system demands special attention, especially at the level of policing. It would appear that socially-informed intervention services for native women are particularly pressing. Furthermore, policy, programming and research need to address the possibilities of male bias in the policing of native women, as well as the more general impact of male/female relations on the policing of native communities. An important research topic in this area concerns the potential and benefits of female personnel at various levels of police service organization and delivery.

The assumption that indigenization of the police is an appropriate and adequate control for cross-cultural differences in policing native communities requires further testing as the results of native police program evaluation and resarch are ambiguous. Much of the difficulty underlying this issue seems to stem from poorly conceived research designs. In general, there has been a failure to consider the place of native policing in the broader context of native community and culture. In particular, comprehensive research strategies that employ intensive fieldwork of an anthropological nature are required to produce more representative studies of community values, needs, preferences, and traditions that are relevant to, or impact on, the indigenization of the police.

More particular research problems concerning indigenization should be developed in the areas of native police recruitment, training and posting. There is tentative evidence that non-native selection criteria, socialization during police training or native participation in police sub-cultures adversely affect the cross-cultural integrity of native constables as well as their ability to police native communities effectively, efficiently and fairly.

Closely tied to these issues is the broader question of culturally determined definitions of the police and policing. Under current arrangements, native policing is conducted largely according to the cultural and conceptual assumptions of non-native (urban) society. However, there appear to be serious implications of taking this approach for granted. For example,

- Natives continue to overload the criminal justice system in terms of disproportionately high arrests, charges and incarceration rates;
- the enforcement of non-native laws in many native communities remains problematic;
- police experience difficulties in mobilizing community support for their operations; and
- "hostile dependence" of Natives on external police agencies perpetuates police ineffectiveness and inefficiency, and political discontent and protest among Natives.

Existing research indicates the persistence of culturally significant and autonomous native ways of life especially among small scale and isolated communities in more remote regions of the country. However, further research is required to fully document their distribution and, more importantly, to assess the compatibility or incompatibility of their policing principles with those of alternative policing models. An important research problem here involves the investigation of economic relations in native communities and their implications for the development, maintenance and reinforcement of informal sanction systems and community self-policing methods. Where these relations are no longer significant for

policing purposes, studies are required that describe their possible functional alternatives.

Since little is known about the patterns of police service utilization among urban Natives, or their preferences and priorities in matters of alternative delivery systems, research is required to pinpoint the policing problems and needs of urban Natives and to assess their willingness and capacity to participate in cooperative relationships with the police. As an extension of these issues, police liaison programs and cross-cultural training for police officers require closer scrutiny in order to test assumptions about their effectiveness across a wide range of urban settings.

Changes in the circumstances of native life ways also raise research questions of a legal nature. The situation of conflicting native and non-native laws or legal norms needs to be thoroughly researched. A basic priority here concerns the nature and extent of traditional or customary law, its status in contemporary native communities and its potential for practical applications under changing conditions of community life. An especially important question to be addressed is whether the codification of native laws is beneficial, or sufficiently beneficial, for policing in a community context. The research literature on native policing in Canada has little to say on this issue.

Finally, since native young adults are especially at risk in the criminal justice system, a concerted effort is required to investigate their policing needs and, in particular, the role of preventive policing strategies at the community level. Policy, programming and research need to addresss the issue of traditional and modern native diversion programs and their impact on native young adults. Ritual resocialization (where appropriate) and community re-orientation programs may prove beneficial in the pursuit of culturally relevant and effective social control mechanisms. In this context, one cannot overemphasize the importance and need to develop institutions and mechanisms that Natives consider appropriate and instrumental in transmitting values about kin and community relationships across the generations.

INTRODUCTION

The delivery of justice services to Canadians is a multi-dimensional and complex area of government policy and programming. When it is directed at Canada's Native population the complexities multiply due not only to the intricacies of the justice mechanisms involved but also to the status of the specific groups in question. Historically and culturally, there are significant differences between native and non-native involvement in the criminal justice system as well as considerable diversity in approaches to the administration of justice. The complexities which flow from these facts are compounded by political, legal, economic, demographic and other factors which, taken together, place unique demands on the administrative and operational apparatus of the criminal justice system. These in turn pose a number of problems and difficulties in the areas of policy and programming.

In this report, the issue of native policing is examined as one aspect of the delivery of justice services to Canada's Native people. Its principal aim is to provide a framework in which native policing issues may be investigated and, ultimately, acted upon. In this sense, it provides some direction in three areas of interest to the Ministry of the Solicitor General: (1) policy; (2) program development; and (3) research. Methodologically, the framework is constructed on a broad comparative basis along both conceptual and empirical dimensions. Such an approach is considered necessary because of the range of factors and conditions that must be taken into account in a comprehensive treatment of the relevant issues. Thus, as used in this report, the term "Native" refers to status and non-status Indians, Métis or Inuit and connotes an historical, social and cultural mosaic that is frequently underemphasized in native policies and programs.

It follows that in the particular case of native policing, variation and change in the postures assumed by native communities with respect to the type of police service needed, desired or preferred are often overlooked. As a result, it becomes especially difficult for government to anticipate the

appropriateness, feasibility and effects of applying certain types of policing models to certain types of native communities. In order to address these central issues, the present report raises and attempts to answer three important and related questions, each of which provides a more specific focus for the chapters that follow. First, how might variation and change in native policing circumstances be identified and documented? Second, what factors contribute to the range of variation and change encountered? And third, how, if at all, should government respond to such variation and change?

In the first chapter, an attempt is made to clarify and revise the nature and scope of our present knowledge about the native policing problem from the vantage point of the criminal justice system. Specifically, it examines selected aspects of the available criminal justice data on native offenders in order to establish patterns of native involvement in the criminal justice system, especially with respect to native over-representation in the correctional system. It then proceeds to review selected data on native/police relations in order to determine their general quality and character. A number of conclusions are then drawn about the status of police organizations and service delivery in native communities and their relationship to the policing needs of those communities. The chapter concludes with a brief outline of the major criteria to be considered by policy makers and program planners when developing native police policies and programs for native communities.

The second chapter begins with a detailed discussion of the history and principles of the indigenization of police forces in Canada. This sets the stage for a description of current native police programs and their impact on native persons and their communities. These findings are then set against a comparison of policing arrangements for indigenous peoples of the United States, Australia and New Zealand in order to reveal a wider range of native policing arrangements and their limitations.

Chapter three reconsiders the central native policing issues that emerge from the preceding two chapters. Cultural, legal, political,

economic, and demographic factors are examined with a view to discovering some of the interconnections between their effects on policing arrangements for Native people and some of the constraints and linkages that govern innovation and reform at the levels of policy and program development. The implications of these factors are then traced to the principles of community-based policing which draw attention to realistic alternatives to more conventional crime control policing models for the policing of native communities in Canada.

In the fourth and final chapter, the general thrust of the report is reviewed and a number of directions for future research are indicated.

CHAPTER 1: THE NATIVE POLICING PROBLEM

INTRODUCTION

Over the past two decades the subject of native policing has become an increasingly important focus of attention for criminal justice agencies, government officials and Native people in Canada. The recognition that patterns of native involvement in the criminal justice system are distinct, relative to those of the general Canadian population, has led to a review of policy, programming and research aimed at examining not only the adiminstration and operational status of current native policing arrangements, but also the appropriateness of dealing with the complexities of policing native communities within a general framework of non-native law enforcement.

At the federal level, native policing has been defined as an area requiring special development and a number of police programs have been set up in recent years to improve service delivery and effect a desired change in the incidence of native crime and deviance. Traditionally, federal policy has been concerned with harmonizing native police programs through the introduction of universal, non-native police models and standards into native communities. While this policy orientation has been welcomed at a general level for taking steps to improve the quality of native police services, it has not, unfortunately, provided sufficient flexibility to deal with particular issues and problems that constantly arise at the community level. As a result, confidence in the orientation and status of native police policy and programming has been frequently undermined.

The conceptual and practical limitations of non-native development initiatives in the area of native policing also seem to be reflected in the results of native police program evaluations. Despite considerable efforts to place it in a useful perspective, the impact of native police programs on problems of native crime and deviance has not been fully clarified. While opinions differ as to whether the programs contain or reduce native deviance and criminal behaviour, the crucial evidence remains largely inconclusive on these program objectives. More importantly, it is apparent that police intervention at

the community level is becoming increasingly problematic under a growing number and variety of enforcement contingencies peculiar to the Native condition. This situation has drawn particular attention to the place of each native community's history and goals vis-à-vis the policing enterprise, and raises the issue that they be acknowledged. Consequently, native policing issues have taken on new dimensions that fundamentally change approaches to the provisioning of native police services in Canada.

One of the most significant developments in this context has been the evolution of native organizations and communities into a more coherent political force in Canadian society. The associated constitutional and legal prerogatives for Natives to re-negotiate the scope of their special status in Canada with federal and provincial authorities, have important implications for the character and shape of future native policing arrangements. As Native political interests are galvanized in the promotion of native communities as distinct cultural entities within the Canadian State, it becomes a real possibility that Natives will demand a wider range of government services and programs that more adequately address the diversity of native needs, preferences and traditions. An enhanced special status for Natives in this context raises prospects for organizational alternatives in the area of native policing. But in doing so, it also generates several complex and controversial issues. For example, should policing arrangements for native communities be viewed as qualitatively different from those provided other, non-native communities? At what levels may differences be described for each native community? And to what extent, if any, should developmental initiatives proceed along identifiable lines of difference?

These questions pose difficult considerations for policy makers concerned with such broad and central issues as responsibility and accountability in the provisioning of native police services. For program planners, they direct attention to the purposes and methods of police service delivery and to the organizational structures that maximize service availability, accessibility, adequacy and appropriateness. And for researchers, they create a need for certain kinds of information that may be used to assess the relevance,

feasibility and impact of implementing different police programs in certain native communities.

Background

In 1967, a research report by the Canadian Corrections Association[1] highlighted a range of problems encountered in the policing of native communities and, in particular, Indian reserves in Canada. For the most part, these problems were identified within a wider context of social, cultural, political, legal, economic and demographic factors that defined the native population as significantly different from the general Canadian population and drew attention to a unique set of constraints on the administration of justice in native communities. As a result, native policing came to be regarded by federal authorities as a special problem requiring special measures to solve it.

In order to address the issues, the report focussed on three major areas of concern that included:

(1) the nature and extent of native involvement in the criminal justice system;

(2) the manner in which native policing was being conducted by federal, provincial or municipal police forces; and

(3) native reaction to the policing of their communities by non-natives.

In general, the report demonstrated a serious imbalance in the treatment of Native people by the criminal justice system. For example, it was found that deviance and criminality were far less serious in their general patterns among Natives than among non-Natives. At the same time, however, the report stressed the over-representation of Natives in Canadian correctional institutions. Taken together, these facts described a system of social control largely unsympathetic, if not discriminatory in its application, to Native people and their condition. Similarly, little consideration had been given to regional, local

and group (ethnic) differences in Native conflict with the law and law enforcement agencies throughout the country. These observations indicated that the policing needs of Native were not only different from those of non-natives, but were also characterized by an unparalleled internal diversity. However, conventional non-native police forces seemed neither equipped to identify these needs nor capable of providing adequate and appropriate service delivery in terms of them.

The inability of police agencies to respond more effectively to the policing needs of native communities was also closely tied to the question of variable legal statuses for Natives. Non-status Indians and Métis, for example, were subject to provincial or municipal jurisdictions in the same manner as non-Natives. However, these universal, non-native policing arrangements seemed neither sensitive to their special policing needs nor flexible enough to fully accommodate them. Similar problems found among status Indians resident on reserves were further compounded by the implications of their special legal status as registered Indians which separated them from all other Natives and defined alternative police jurisdictions. A situation of multiple police jurisdiction on reserves often led to the treatment of reserve Indians as mere subjects of over-lapping and ambiguous applications of federal and provincial police authority. However, this gave rise to some apparently unanticipated problems including the manipulation and differential acceptance of service delivery agents by various native communities which adversely affected the frequency of service delivery as well as its use by Natives.

No less problematic were the logistics of providing police services to a widely dispersed and often remote native population. A number of demographic factors coincided to undermine the availability, accessibility, consistency, regularity and efficiency of police protection for Native people. However, especially difficult problems were encountered in the socio-cultural realm. Social and cultural differences between Natives and non-Natives affected the capacity of local native institutions to support and legitimize police agencies, while different cultural values and world views underpinned different desires, needs and preferences for police intervention in community affairs. Particularly worrisome were cross-cultural barriers of a linguisitc, cognitive and evaluative

nature that reduced native participation in policing functions and their ability to use a police service. The report concluded that failure to acknowledge these issues provided considerable scope for misunderstandings, frustration, disputes, and conflict between the police and native communities, especially those in the western and northern parts of the country.

With a view to resolving these and other aspects of the native policing problem the report recommended the development, expansion and improvement of decentralized, special native police services — for reserve Indians in particular — that would, it was hoped, maximize native participation in the delivery of police services to native communities. As an essentially unilateral proposal, it required native communities to adopt and adapt to non-native policing institutions analogous to those found in non-native communities. Although differences between these two types of communities had been acknowledged earlier in the report, it was thought that as a benefit of minimal reform, the added participation in the policing process by specially trained native constables would make the arrangements more acceptable to and workable in native communities.

Major benefits were, it seems, expected at the levels of national native police policy and program development. The key to the success of the initiative seemed to be rooted in the potential for generalization. Theoretically, accommodation to local policing conditions could be made through certain adjustments such as altering and improving the quality of police personnel. Moreover, a functional explanation could readily be advanced to justify this policy orientation: it provided for a standardized approach to native policing that would facilitate its administration. Yet, it was not clear if Native people themselves had unanimously drawn similar sets of conclusions. Nor was it obvious that these arrangements would be mutually acceptable to Natives and government in securing an appropriate place for Natives in the policing enterprise. For example, the changes recommended by the report made no reference to a native role in the formulation of police policy. Equally important, the unique constraints on native policing were not fully considered: a number of contextual issues remained undeveloped at the levels of policy and programming which precluded further investigation and discussion of the role of organizational

alternatives. Some of the most important issues, however, were simply unanticipated. The growing politicization of native communities, for example, was to be a decisive turning point in the development of native policing in Canada.

Despite the overall significance of the report, it failed to stimulate debate on the direction and shape of future native policing policy and programming. In fact, the question of native policing was only reopened several years later when the federal government began implementing a variety and number of native police programs across the country. Although they were designed in anticipation of addressing the policing needs, aspirations and goals of native communities, the programs have registered uneven successes. In general, the results of program performance have been inconclusive in crucial areas of program impact such as needs assessment and the effectiveness of service delivery. In several instances, programs have been criticized as being inadequate since they do not sufficiently take into account the implications of native self-determination for the issues of decision making and control at the community level. In brief, current native police programs and policy orientations tend to limit native capacities for exerting distinctive influences on the types of police services best suited to the conditions of life in native communities.

The federal government's concern over the equality of police services for all Canadians is consistent with the common, overall objective of providing police protection for native communities. However, this position also tends to underemphasize the differences in policing problems and cultural approaches to justice administration among native communities. As a result, frictions, disputes and conflicts may arise when police models and standards derived from one culture are applied to the policing situations of other cultures. Thus, it is in the interests of criminal justice agencies, the federal government and Native people to have at hand information useful for the evaluation and planning of a wide range of native policing options. However, to date, there exists no single comprehensive review of the issues that have and will likely have a determinative impact on native policing institutions and their standing in native communities. The general aim of the present report is to identify and discuss these major issues.

As a first step in this direction, the present chapter seeks to clarify and revise the nature and scope of our knowledge about the native policing problem from the initial vantage point of the criminal justice system. The specific aims are to:

(1) examine selected aspects of the available criminal justice data on native offenders;

(2) establish patterns of native involvement in the criminal justice system especially with resepect to native over-representation in the correctional system;

(3) review selected data on Native/police relations in order to determine their general quality and character; and to

(4) draw some conclusions about the status of police organizations and service delivery in some native communities and their relationship to the policing needs of native communities.

The chapter concludes with a brief discussion of those criteria that should be considered by policy makers and program planners in developing police policy and programs for native communities.

NATIVES IN THE CRIMINAL JUSTICE SYSTEM

The constraints on police service demand and delivery in native communities are closely identified with the incidence of native "criminality". While the available information on criminal statistics is not completely satisfactory for this sector of the Canadian population,[2] it does nevertheless provide a useful, if disturbing, overview of the nature of native conflict with the law and law enforcement agencies. The most complete data concern the incarceration of Native people in federal and provincial institutions. In addition to drawing attention to the extent of native over-representation in the correctional system, incarceration statistics may

be examined for the types of crimes committed by Native people and in the process reveal variable and repetitive patterns of native "criminality" across the country. Although far more unsatisfactory than incarceration statistics, data on occurrences (i.e. incidents which become known to the police) and criminal offences (substantiated by police investigation) are revealing of the relationship between the police and native communities. Selected aspects of these materials and their general implications for an understanding of the native policing problem at the levels of policy, programming and research are presented below.

Admissions to Canadian Correctional Institutions

An analysis of admissions to federal, provincial and regional correctional institutions shows the continuing over-representation of native men and women compared to the rest of the Canadian population.

While it may underestimate the demographic figure by as much as 1%, the 1981 census concluded that Natives represent 1.6% of the Canadian adult population (Statistics Canada, 1985: 143). Yet Natives have accounted for variably 8% to 10% of federal inmates in recent years, a percentage range that has been shown to be relatively constant over the last 10 years (Moyer et al., 1985: 2.2; Statistics Canada, 1985: 143). Similarly, data on sentenced admissions for 1981 indicate that Natives constituted 14% of admissions at the provincial/territorial level (Statistics Canada, 1985: 162). However, as Table 1 demonstrates, there is considerable variation across jurisdictions with respect to the proportion of Natives admitted to provincial or territorial correctional facilities.

Although no figures are recorded for the percentage of native inmates in Nova Scotia correctional facilities, they are likely to parallel those for other maritime provinces. The lowest recorded levels of native admissions to maritime correctional institutions occur in the provinces of Newfoundland/ Labrador and New Brunswick. In the former province, where Natives comprise 0.7% of the adult population, 3% of those incarcerated are Natives. Similarly, with 0.6% of the New Brunswick adult population being native, the

TABLE 1

Native Admissions to Provincial and Territorial Correctional Institutions: 1981*

Province/ Territory	% Native Adult Population	% Native Inmates
Newfoundland and Labrador	0.7	3
Prince Edward Island	0.4	5
Nova Scotia	0.1	-
New Brunswick	0.6	4
Quebec	0.7	1
Ontario	1.0	8
Manitoba	4.5	52
Saskatchewan	4.3	61
Alberta	2.4	25
British Columbia	2.0	17
Yukon	15.0	55
Northwest Territories	50.7	85

* Source: Adult Correctional Services in Canada: Statistics Canada, Canadian Centre for Justice Statistics, 1985. The % native inmates has in some cases been slightly adjusted to indicate the maximum figure for the year 1981. Figures for the % native inmates for all provinces/territories have remained fairly constant during the period 1979-1984. The 1981 figures are given here since the % native adult population is given only for the year 1981.

provincial inmate population is 4% native. The situation changes when we consider the province of Prince Edward Island. Here there is a slightly lower percentage (0.4%) of Native people in the adult population. However, Natives comprise 5% of the provincial inmate population. Moving westward we find that in the province of Quebec, Native people constitute 0.7% of the adult population. However, the percentage of native inmates (1.0%) recorded for this province may be inaccurate due to incorrect classification procedures on

admission to custody (Moyer et al., 1985: 1.4). As a result, the available Quebec data are assumed to be misleading for analysis. The percentage of Natives in the Ontario adult population is slightly higher at 1.0%. But the percentage of Ontario native inmates is far greater than that recorded for Quebec, at 8%. The most disturbing statistics, however, have been recorded among the prairie provinces. Although the native adult population in Manitoba is only 4.5% of the total provincial adult population, Native people account for 52% of all provincial incarcerations. The situation is even worse in Saskatchewan. An astonishing 61% of the total admissions are native although Native people comprise only 4.3% of the adult population. In Alberta, the level of native admissions shows a slight improvement but remains serious: with a native adult population of 2.4%, 25% of all admissions to provincial institutions are native. In British Columbia, corresponding figures for Native people are depressed somewhat, but remain troubling: the native adult population is 2.0% of the total adult population while Natives account for 17% of the provincial inmate population.

An examination of territorial incarcerations shows that an increase in the native share of the adult population is accompanied by an increase in the proportion of Natives admitted to territorial correctional facilities. Native adults in the Yukon comprise 15% of the total adult population while 55% of people incarcerated are Natives. In the Northwest Territories, 50.7% of the adult population is native while 85% of the inmates are native.

In addition to providing information on the proportion of native inmates in various Canadian jurisdictions, Table 1 is also suggestive of the degree to which Natives are over-represented in correctional facilities in various regions of the country. However, as Moyer et al. (1985: 2.30) point out, specific levels of native over-representation in the Canadian correctional system should be interpreted with care. For example, while the proportion of native admissions to provincial/territorial custody may be relatively high in some jurisdictions the corresponding level of native over-representation as a function of native and non-native rates of admission and their ratios may be relatively low. Moreover, the level of native over-representation within a jurisdiction may vary depending on the type of admission (e.g. sentence

admission, fine default admission) and category of offense (e.g. Criminal Code violation, provincial statute infraction) (see Moyer et al., 1985).

In general, Natives appear to be over-represented in custodial admissions in all jurisdictions with particularly high levels of native representation in custodial admissions in the prairie provinces and the two territories. Yet there are significant differences within these regions that affect inter-jurisdictional levels of native over-representation in correctional institutions. Saskatchewan, for example, not only has a high proportion of native inmates, but also has a large difference between native (high) and non-native (low) rates of custodial admission. Similarly, Manitoba and the Yukon have high proportions of native inmates. But in Manitoba, Native and non-native rates of custodial admission are lower than those for Saskatchewan and many other jurisdictions while the Yukon has both a low ratio of native : non-native custodial admissions as well as a high rate of custodial admissions for non-Natives. While Alberta and Ontario seem to reflect a medial level of native over-representation in their correctional systems, British Columbia shows a consistent, relatively low level of native over-representation in its correctional institutions. Although the data are incomplete, it would appear that the Maritime provinces, taken as a whole, also display relatively low levels of native over-representation in the correctional system (see Moyer et al., 1985, for a more complete discussion of native over-representation in the Canadian correctional system).

It is important to note, however, that the level of over-representation of native offenders is not necessarily uniform among local communities within any given jurisdiction. Although some provincial data may indicate relatively low or medial levels, there are significant local variations that intensify concern over the situation of native people and the criminal justice system. In the case of Ontario, for example,

> The Kenora area in Northwestern Ontario, where Native residents are estimated to make up about 25-30 per cent of the total population, is a focus of special concern. In 1981-82, Natives accounted for 78 per cent of the total male admissions and 97 per cent of the total female admissions to the Kenora jail. It is surely disconcerting that in 1981-82 the Native male admissions to one institution, the Kenora Jail, constituted 26 per cent of all

> Native male admissions for the whole province. Native female admissions to the Kenora Jail amounted to a staggering 49 per cent - almost half - of all Native female admissions to the entire correctional system (Jolly, 1982: 3).

These data point towards another significant and distressing aspect of native involvement in the criminal justice system: the extent to which native women are admitted to correctional institutions in Canada.

Compared to males, the absolute number of females incarcerated in Canadian penal institutions is quite small. For example, only 6% of sentenced admissions to provincial/territorial institutions during the period 1979-84 were female (Statistics Canada, 1985: 162). Nevertheless, the proportion of native women incarcerated federally and provincially is much higher than the proportion this group represents in the adult Canadian population (see Table 1).

From 1977 to 1981, native men comprised between 8% and 9% of the total male penitentiary population. During the same period, native women made up from 13.5% to 20% of the inmate population at Kingston's penitentiary for women (Solicitor General, 1984: 33). The statistics are even more startling at provincial and territorial levels.

> In the Yukon ... 100% of the female admissions to the Whitehorse Correctional Centre are Native women. The same situation exists in Labrador (Newfoundland Correctional Centre for Women), whereas the population at the Correctional Centre for Women in the Northwest Territories is 75% Native women ... In British Columbia, Native women comprise 20% of all women incarcerated and in Alberta, from 13% to 41% depending on the facility. In Saskatchewan, Native women comprise 77% of the Pine Grove Correctional Centre and in Manitoba, the population of the Portage Correctional Centre is 71% Native women. In Ontario, Native women account for 16.6% of the total female admissions in the correctional institutions (LaPrairie, 1984: 162).

Thus, despite the smaller number of females in the correctional system the evidence suggests that the proportion of native women in federal and

provincial institutions is much higher than that of both non-native women and their native male counterparts. These observations, together with the overall situation of native over-representation in the correctional system, raise an important question: Are some native people unnecessarily involved in the criminal justice system in Canada? For the purposes of this report, this question may be put in proper perspective by focussing on the available information that documents the nature and circumstances of native involvement with the police. The first step is to review the categories and distribution of offences for which native people are being arrested, charged and/or incarcerated. The second step involves a brief discussion of the relationship between the police and native communities as revealed through data that describes the context of Native/police contact and the relationship between crime occurrences and actual crimes.

Native Offenders and Types of Offences

Before describing in greater detail the nature of reported native offences, a few introductory remarks are called for. According to existing research reports, patterns of crime and deviance among Natives reveal certain themes that serve to unite and separate the offender profiles of Natives and non-Natives, as well as describe internal differences among native communities. For example, the character of native crime and deviance fluctuates between minor offences and more violent crimes while their frequency of occurrence depends on variations in such factors as gender, ethnicity, age, jurisdiction (locality and legislation) and institutional infrastructures. An especially significant finding in some of the available literature suggests that native involvement in the justice system may be disproportionately alcohol-related. This possibility has very important implications for the kinds of policing problems faced by native communities. Defined as a social issue, the role of alcohol abuse in the perpetration of native "crime" suggests that such acts may be more a function of social disorder than of criminal intent. If this is the case, it follows that to interpret much of native "crime" which comes to the attention of the criminal justice system as exclusively criminal in nature is to misunderstand the

nature of much native "criminality". More importantly, to persist with the application of criminal justice mechanisms that are largely punitive in response to native "crime" may result in the miscarriage of social justice.

For some areas of the country it has been argued that Natives commit more serious crimes, on a proportional basis, when compared to the national population. For example, recent analysis of Criminal Code violations among selected Indian reserves in Saskatchewan suggests that Natives commit violent offences[3] at a level over 3 times higher (26.6%) than the national percentage (7.6%) reported for 1982. Although the percentage of property offences[4] (41.5%) committed by Natives is significantly lower than that of the nation as a whole (66.6%), Natives committed only slightly more "other"[5] Criminal Code offences (31.9%) than the general Canadian population (24.8%). These statistics are presented in Table 2.

TABLE 2

Percentage of Actual Crime Occurrences Among
Selected Indian Reserves in Saskatchewan
Compared with the National Percentage for 1982*

Offence Type	% Reserve Crime By Type	% Crime by Type Nationally, 1982
C.C. Persons	26.6%	7.6%
C.C. Property	41.5%	66.6%
C.C. Other	31.9%	24.8%
C.C Total	100.0%	100.0%

* Source: Joint Canada - Saskachewan - FSIN Studies of Certain Aspects of the Justice System as they Relate to Indians in Saskatchewan (unpublished report, 1984: 86).

Research and evaluation in other localities seem to confirm disproportionately high levels of violent crime among Natives. In their examination of founded occurrences in certain Indian reserves in Southwestern Manitoba, Singer and Moyer (1980) found that 50% of the Criminal Code offences were of a violent type, while property-related crimes contributed 33% and "other" Criminal Code offences 17% of the total Criminal Code offences, during the period April 1979-March 1980. Data compiled on violations of the Criminal Code among several Indian reserves in Ontario for 1976 reflect a similar distribution with 47% violent offences, 32-35% property offences and the remaining 18-22% "other" Criminal Code offences (Harris, 1977). Although unsupported by statistical data, a recent estimate of native (Indian) criminality in Quebec suggests that violent crimes figure significantly in the total number of Criminal Code offences (Woods Gordon, 1982: 54). However, an analysis of founded criminal offences in the Baffin Region, Northwest Territories, indicates that violent offences do not always represent a significantly high proportion of native offences in the Criminal Code category (see also Saddle Lake Tribal Justice Centre, 1985: 41). Also, it suggests that levels of violent offences relative to other "Code" violations among native offenders may decrease over time (but see Moyer et al., 1985). For example, over the period 1975-1980, Finkler (1984) found: (1) the percentage of violent crimes ranged from a high of 27% in 1975 to a low of 18% in 1980; (2) the percentage of property offences ranged from a high of 53% in 1977 to a low of 41% in 1975; and (3) the percentage of "other" Criminal Code offences ranged from a high of 32% in 1975 to a low of 24% in 1977. Similarly, violent crimes as a percentage of all native offences in the North have changed in recent years.

When the Northwest Territories are considered as a whole, violent offences committed by Natives for the period 1975-1980 range from a high of 18% in 1976 to a low of 13% in 1978/79 of the total number of native offences (Finkler, 1982).

Variations in the percentage of violent crimes committed by Natives may also be linked to ethnic factors. Finkler (1981, 1984) found that during the period 1975-1980, violent offences committed by Inuit in the Baffin Region,

Northwest Territories, as a proportion of custodial admissions declined from a high of 13.6% in 1976 to a low of 8.8% in 1980. In contrast, among some Indian reserves in Ontario, criminal justice statistics indicate that 25% of the total number of offences committed by Indians were crimes against the person (Harris, 1977). And for certain Indian reserves in southwestern Manitoba the proportion of violent offences was as high as 28% of all native offences between April 1979 and March 1980 (Singer and Moyer, 1980).

Equally significant are comparisons of Inuit and other native offender patterns within the same jurisdiction. In the Northwest Territories, Natives of Indian or Métis origin seem to be significantly over-represented in admissions to correctional facilities while Inuit are somewhat under-represented. As Finkler (1982) notes, Indian, Métis, Inuit and non-Natives comprised 18.3%, 9.8%, 33.6% and 38.3% of the estimated territorial population in 1979, respectively. During the same year, however, Indians comprised 37%, Métis 25%, and Inuit 20%, of all admissions to territorial correctional centres. If only native admissions are considered, the corresponding figures are Indian 45%, Métis 30% and Inuit 25%.[6] That Indians in particular may also be associated with higher levels of violent crime when compared to other native groups is suggested by other research which in addition sheds some light on the environmental circumstances of native offenders. Lane et al. (1978: 311) found that in their sample of federal custodial admissions

> ... over half the status Indians were in maximum security penitentiaries, while the distribution was more equitable for the other groups (i.e. Non-Status Indians, Métis and Inuit).

And they conclude,

> The largest single type of community from which the inmates in this sample had come can be described as one which was rural, mostly Native (probably a reserve) with less than half the people employed. This type of community accounted for 32% of the inmates we contacted (Ibid., 312-313).[7]

Considered together with Table 2 (p. 14), for example, these observations suggest that Indians and Indian reserves are a focus of special concern with respect to crime and deviance issues among native communities (cf. Hylton, 1982).

Thus, available information indicates that levels of violent offences among some native groups and communities may be considerably higher than those for other native and non-native groups and communities. In addition, levels of violent offences among Natives may increase or decrease over time (see Moyer et al., 1985). However, other data on custodial admissions indicate striking similarities in the offender profiles of Natives and non-Natives.

On the basis of data recorded in 1982 and 1983 for selected jurisdictions in Canada, Moyer et al. (1985) found that:

(1) the rates of native and non-native admissions to provincial and territorial institutions were greater for sentence admissions than for fine default admissions;

(2) with the exception of Ontario Natives, a Criminal Code conviction prevailed as the most serious admitting offence for both sentence and fine default admissions among native and non-native offenders; and

(3) native and non-native offender profiles differed only slightly with respect to the five most frequent Criminal Code admitting offences.

In general, analysis of the data shows that in many provincial and territorial jurisdictions, the percentage of criminal offences committed by Natives does not vary significantly from the percentage of criminal offences committed by non-Natives. More importantly, for both "racial" groups, admissions for assault occur in much smaller proportions than admissions for other, "less serious" Criminal Code violations such as drinking/driving, theft/possession and break and enter (cf. Finkler, 1984: 6-7).

Equally significant, alcohol-related offences are, as a percentage of native or non-native admissions, more prevalent among Natives than non-Natives while Natives also tend to commit "victimless" crimes (e.g. bail and probation violations, weapon offences) in larger proportions than non-Natives. Perhaps one of the most significant findings of the study is the fact that in Ontario

the majority (56%) of native custodial admissions resulted from violations of provincial statutes: in particular, 49% of native custodial admissions in this province resulted from infractions of liquor legislation. Therefore, it may reasonably be concluded that especially in Ontario the majority of native offences are of a minor or "quasi-criminal" nature. But that is not all. The Ontario data draw attention to the constraints of legislation and institutional infrastructures on native conduct and policing. Given the possibility that Ontario Natives have limited access to privacy and/or find that in general detoxification centres are unavailable to them, it may be the case that Ontario liquor legislation often leaves the police with no alternative to laying a charge for public intoxication (Moyer et al., 1985: 4.5, 4.14).

While data on native and non-native custodial admissions are important for comparisons of native and non-native offender patterns, their limitations should be recognized. Specifically, demonstrated differences between the results of native and non-native police intervention in native communities (e.g. Saddle Lake Tribal Justice Centre, 1985; Singer and Moyer, 1980), as well as the nature and extent of unreported native crime and deviance, may have a significant effect on the overall shape of native offender profiles in any given native community.

Alcohol and the Native Offender

Although there are interesting similarities and differences in the types and frequencies of offences committed by Natives in various areas throughout Canada, it should also be recognized that many native offences find a common denominator in the use and abuse of alcohol (and various substances). Indeed, there may be no other factor as pervasively and consistently related to the nature of native crime and deviance and which separates the circumstances of native from non-native involvement in the criminal justice system as the excessive and hazardous use of alcohol.

In addition to the prevalence of liquor ordinance violations in many native communities (e.g. Finkler, 1976, 1981; Harris, 1977; Jolly, 1982; Singer and Moyer, 1980; S[illegible]n, 1975) alcohol plays a significant role in the genesis of both Criminal Code and other types of violations. While specific frequencies may vary across the country, the disproportionate incidence of alcohol-related offences is a recurrent finding of research on native offender patterns.

Research carried out in the Northwest Territories, for example, has demonstrated

> ... a significant relationship between alcohol and crime wherein intoxicants were a major precipitating factor in physical and sexual assaults, property offences such as wilful damage, petty theft or breaking and entering while intoxicated to search for liquor or goods to exchange for alcohol (Finkler, 1983: 139).

Focussing on the Inuit community of Frobisher Bay, Finkler (1976: 49) found alcohol to be a factor in 75% of the total number of convictions for offences committed during 1972. Similarly, 81% of Inuit offences administered by the justice of the peace court were linked to alcohol, while alcohol played a role in only 36% of non-Inuit offences. Investigating the disproportionate incidence of alcohol-related criminality among all inhabitants of the Northwest Territories for the period 1968-1980, Finkler (1982: 29) found alcohol to be a factor in the offence for 63% of all admissions, with a range from 42% to 79% in 1971 and 1978, respectively.

> Furthermore, the findings reveal that the category of "other" offences, i.e. intoxicated at the time of the offence, or contributing to juvenile delinquency by supplying a minor, or committing property offences while in search of liquor and/or goods to exchange for alcohol, represented ... 34.8% of the total number of offences followed by ... 17.2% under the territorial liquor legislation.

Significantly, Natives comprised 85% of the total admissions to territorial institutions during this period with most claiming Indian identity (40%) followed by Métis (23%) and Inuit (22%).

The association between especially Indians and the disproportionate incidence of alcohol-related offences has been noted by other researchers. Smith (1975), for example, presents data that shows a much higher incidence of alcohol-related violent offences among Indians than either Inuit or Métis in the Mackenzie River Delta. In their national survey of native inmates, Lane et al. (1978) found that 48% of the native inmate sample had been admitted for alcohol-related offences while 30% had been admitted in connection with drug and alcohol influenced offences. Given the predominance of Indians (71%) especially Status Indians (55%) - in the sample native inmate population, together with a high incidence of violent crime associated with native incarceration in this study, it would appear that Indians in general commit more alcohol-related violent offences on a proportional basis than either Métis or Inuit.

Serious but sporadic offences among reserve Indians in southwest Manitoba usually include alcohol-related homicide and assaults causing bodily harm while alcohol figures prominently in the most common offences such as provincial liquor law infractions, impaired driving[8] and interpersonal disputes such as common assaults (Singer and Moyer, 1980: V2). Alcohol also appears central to the types of crimes found on Indian reserves in Québec although no statistics or further details are available (Woods Gordon, 1982: 54). Perhaps the most extreme case of alcohol-related offences in a native community is found in Alberta. It is reported that for 1984, 99% of the total founded offences on the Saddle Lake Indian Reserve were allegedly alcohol-related (Saddle Lake Tribal Justice Centre, 1985: 41).

Policing Needs and Police Roles in Native Communities

Variable levels of crime and disorder and the prevalence of minor and alcohol-related offences provide the basis for native over-representation in the

correctional system. These facts reflect important substantive problems with which the police must deal in native communities. However, they do not fully circumscribe the nature and extent of the native policing problem. Bienvenue and Latif (1974), for example, have drawn attention to the high arrest rates experienced by Natives. At the time of their study, Natives comprised 3% of the Winnipeg urban population but accounted for 27% of all male arrests and 70% of all female arrests. Apparently, police over-surveillance of highly visible urban Natives contributed significantly to these patterns of disproportionate native arrests. Native complaints heard by the Alberta Board of Review also suggest that Natives in rural environments are subject to unnecessary involvement with the police through the over-policing of Natives and native communities (Attorney General of Alberta, 1978). These and similar difficulties in Native/police relations seem to be a reflection of cultural and practical constraints on non-native police in native communities.

For example, a recent study of law enforcement on Indian reserves in Saskatchewan (FSIN Study, 1984) presents a number of pertinent observations linking the incidence of occurrences and actual crime to the percentage of time spent on Indian reserves and neighbouring communities[9] by the police. Analysis of the data shows that while police spent only 17.3% of their total time on Indian reserves, 12.9% of all occurrences and 30.1% of all actual crimes recorded by the police took place on the reserves. Confronted with the discrepancy between occurrence/crime ratios of 2:1 and 7:1 for reserve and neighbouring communities, respectively, the authors of the report offer two tentative explanations for it:

> First, given the poor response time and the the reportedly poor relations between the Indian community and the detachment, it may be that the Indian communities only request the police to attend serious matters. Secondly, it may be that the police spend little time on reserves unless it is absolutely necessary (FSIN Study, 1984: XI).

Other, equally plausible, explanations could be advanced to account for this "anomaly".[10] However, the explanations offered in the report merit further consideration for reasons not pursued by its authors.

There are two inescapable conclusions that may be drawn here. If the first explanation is valid, it would appear that current police services for some

reserve communities in Saskatchewan are under-utilized. If either or both explanations are significant, it should follow that the practice of native policing by non-native police agencies (i.e. the RCMP) fosters or reinforces a narrow definition of police roles and functions in Saskatchewan's native communities. In this case, a narrow definition focuses on crime fighting and law enforcement in order to confront, contain or control native "criminality". However, this definition may be incomplete given what is known about the nature and scope of native policing problems, and therefore, inattentive in its application to some of the policing needs of the community which frequently concern social order issues. Similarly, it may be inconsistent with native definitions and expectations of police work in their communities.[11] Thus, a narrow, crime fighting definition of the police role may unjustifiably exclude a broader, social definition of native policing and force natives to under-utilize potentially more comprehensive police services.

When these policing conditions prevail, working definitions of the police often fail to surface the full range of native policing needs and associated issues. Predictably, little information exists on the nature and extent of unreported native crime and offences or the ways in which native communities may respond to them. As a result, cross-cultural knowledge essential for an appreciation and evaluation of justice administration for Native people is seriously restricted in several crucial areas which include:

(1) the current status of indigenous forms of community policing;
(2) the appropriateness and adequacy of current police intervention in native communities; and
(3) preferred policing alternatives for native communities.

Put a slightly different way, the cultural effects of native contact with the criminal justice system are insufficiently known at the community level. This situation has the unfortunate consequence of restricting both our appreciation of the nature and scope of the native policing problem and our ability to respond to native problems and needs with the right types of policing arrangements.

SUMMARY AND CONCLUSIONS

Unique patterns of native involvement in the criminal justice system raise a number of issues and problems that have a direct bearing on the organization and delivery of police services to native communities. Research findings indicate that, in general, Natives are over-represented in federal and provincial correctional institutions when compared to non-Natives. While native and non-native offender profiles show striking similarities in terms of recent custodial admissions data, other evidence suggests that levels of crime and deviance may vary considerably among Canada's native communities. In this context, Indian reserves are a focus of special concern. Furthermore, it is apparent that native offences are frequently associated with the excessive and hazardous use of alcohol. This characteristic, in combination with the prevalence of less serious Criminal Code offences, suggests that many native community policing problems may be more closely related to issues of social disorder as opposed to more serious criminal activity. Native people also appear to be subject to the extremes of over-policing and under-policing which often lead to disproportionate levels of native arrests and charges, and under-utilization of police services, respectively. These trends tend to foster more narrow definitions of police roles in native communities that focus on and emphasize law enforcement and the control of native "criminality". Where the police under-emphasize broader social definitions of their role in the community, many of the policing needs of Native people are likely to remain unsatisfied or unknown. However, recent political developments in Native/government relations have enhanced the position of Native people in the Canadian State by emphasizing their unique rights, aspirations and cultural identities as individuals and communities. Thus, as the consolidation of special status for Native people extends into wider domains of government services and programs, government will be under increasing political pressure to deal more adequately, effectively and appropriately with the policing needs, concerns and preferences of Native people.

The challenge for policy makers and program developers is to respond to native policing problems and issues with the right types of policing arrangements for their communities. Developments in native policing, therefore, should include general and particular observations on:

(1) Program effectiveness: current levels of native involvement with the criminal justice system are unacceptable to Native people and to government officials. What type(s) of police programs might reduce native rates of arrests, charges and incarceration and satisfactorily address their policing needs?;

(2) Program efficiency: what allocation of which resources maximizes the delivery of police services to native communities? Under what alternative organizational structures is this most likely to occur?;

(3) Program economy: what increased costs or savings are implied by different programs or modifications to programs? What are the broader fiscal projections that provide the wider economic context of program administration and operations?;

(4) Cultural, political and legal consistency: to what extent does native police policy acknowledge native values, traditions, goals, and preferences? In what ways and at what levels do native police programs articulate with wider political and legal systems; and

(5) Fairness: do native police policies and programs provide the means by and through which Natives can achieve justice according to their specific problems and needs?

FOOTNOTES

1 Indians and the Law (1967).

2 According to the Solicitor General's Annual Report for 1983-84, "Data pertaining to Native involvement in criminal justice are incomplete, scattered and in many instances inaccurate" (Solicitor General of Canada, 1985: 10).

3 These include murder, attempted murder, manslaughter, rape, other sexual offences, wounding, assaults (not indecent) and robbery.

4 Property crimes include breaking and entering, theft of motor vehicle, theft over and under $200, possession of stolen goods, etc.

5 "Other" Criminal Code categories include prostitution, gaming and betting, weapons offences, etc.

6 Over the period 1968 to 1980, the average share of admissions to territorial institutions by ethnic group is Indian 39.8%, Métis 23.4% and Inuit 21.6% (Finkler, 1982: Table V, p. 35).

7 This conclusion is indirectly supported by Hylton (1982) if it is assumed that Status Indians are more likely than non-Status Indians to reside on reserves.

8 According to the Neilsen Report (1985: 81), "Most crimes committed by Indians involve drunken driving, theft and robbery". (See also Moyer et al., 1985.)

9 Unfortunately the report does not describe the composition of the population in neighbouring "off" reserve communities. It may be assumed, however, that the reserve populations are mainly, if not entirely, Native or Indians.

10 The first explanation suggested in the report is, perhaps, difficult to reconcile with the fact that the largest proportion of native Criminal Code offences that come to the attention of the criminal justice system in Saskatchewan are of a less serious nature (see Moyer et al., 1985: 5.7, 5.11). The second explanation, however, might be more compelling if expressed in a slightly different way in the light of comparative evidence. If Natives in general, and reserve Indians in particular, are notably vulnerable to arrest and charges by the police (Attorney General of Alberta, 1978; Bienvenue and Latif, 1974) or they are known and/or unsuccessful criminals (Canadian Corrections Association, 1967; Finkler, 1976; Hylton, 1982) the police would, it seems, require considerably less time to investigate and asses occurrences or crimes.

11 In a study of native policing in Alberta, Saskatchewan and Manitoba, Loree (1984: 21) estimates that routine service calls are second only to alcohol-related incidents in terms of the most frequent context of official contact between Natives and police cited by the police. Significantly, Criminal Code and serious offences occupied a small percentage of the total time spent, by police officers surveyed, during official contact with Natives.

CHAPTER 2: THE DEVELOPMENT OF NATIVE POLICING

I. THE INDIGENIZATION OF POLICING

Introduction

The indigenization of police forces in Canada can be traced to the 1850's when Native people were first recruited by colonial administrators to engage in law enforcement activities. At this time, indigenization was seen primarily in terms of non-native utility functions. On the one hand, it often involved the intervention of Natives in non-native affairs since Native people were useful in the apprehension and/or punishment of "criminals" who sought sanctuary in native territories and settlements. Similarly, American interest in the development of indigenized police forces in the United States often focussed on the control of "renegade" Indians and common criminal elements (Hagan, 1966: 69). On the other hand, the interests and integrity of native tribes and communities vis-à-vis their own policing problems were of little concern in the early design and practice of law enforcement. In this context, native police forces had no legitimate basis for existence beyond the political and other benefits - usually assimilative in nature - that accrued to administrators and bureaucrats who used them (e.g. Bancroft, 1887).

For much of post-contact history, scant attention has been given to the status and role of native police vis-à-vis the changes that take place in native communities, as a whole, under the impact of non-native intrusions into native ways. However, new and variable patterns of "crime" and disorder require interpretation and appropriate response by the police. That these tasks can and must be achieved - at least partly if not wholly - within the native context is a proposition based on the tenacity of distinctive native ways. Many contemporary native communities are more than simple caricatures of the original principles of native social organization. This surely is reflected in their collective will to resist further and final intrusion into their internal affairs despite seemingly overwhelming odds to assimilate into the national culture and society. Equally important, the immediate prospect of indigenization as a logical and valid cross-cultural requirement for

policing native people lends these communities additional credibility and legitimacy along this important dimension of cultural difference.

The Central Issue

Until recently the federal government has shown a lack of commitment to native cultural factors as an element in the formulation of native policing policies and programs (e.g. Boldt and Long, 1985; Griffiths and Yerbury, 1984; Weaver, 1981). However, partly in response to political pressure being applied through Native land claims, Native self-government and Aboriginal rights movements, and in a genuine effort to strengthen the foundations of native cultural identity and life ways, the federal government has pursued a policy strategy which places native policing within the broader context of native culture and community. This is an important step. But for federal authorities and Native people the crucial issue remains the specific institutional interpretation to be given to indigenization. This issue must be carefully and clearly thought out in terms of the articulation of policing goals and their underlying assumptions as well as the likely impact of specific institutional applications to Native people and their communities.

The Basic Rationale

The basic rationale for "indigenization", or the systematic substitution of non-natives by Natives in the administrative and operational apparatus of police agencies, is to reduce native involvement in the criminal justice system. It is assumed that cross-cultural differences between Natives and non-Natives contribute significantly to native over-involvement with the police and over-representation in the correctional system. To some extent, this may be reflected in the fact that non-native police tend to be unfamiliar with local native cultures and are often unprepared to give a sympathetic and informed evaluation of them as an integral part of police roles and duties (e.g. Van Dyke and Jamont 1980: 108-111). Indigenous police officers, it is thought, have the capacity to minimize the effects of cross-cultural differences between the police and Natives being policed through the exercise of culturally-informed

police discretion. Consequently, the risk of entering the criminal justice system should be significantly reduced for native people policed by native officers.

That cross-cultural differences between Natives and non-natives play an important role in Native/police relations is a view supported by research. Most of the findings deal with perceptions of and attitudes about native policing held by the police and the native communities being policed.

Police Perceptions of Policing Natives

From the police point of view it is often the case that "crime is crime" no matter where it occurs, an attitude that no doubt provides a sense of continuity between legislation, Criminal Code categories and law enforcement activity for the police. Given this general perspective, it follows that cultural knowledge of the offender is peripheral to a police officer's understanding of the nature of his/her job or the requirements necessary to sustain it and make it effective. These views which to some extent are internalized during police training are reinforced by objectivity, impartiality and equality of treatment in the policing process (e.g. Forcese et al, 1979: 6).

Comparative evidence suggests that a similar ideology holds among some police officers who police native communities. Carter (1976) and Loree (1984), for example, report that among some RCMP native policing detachments, a majority of non-native police officers surveyed felt that knowledge of natives contributed little to the substance, effectiveness or efficiency of native policing. In this context, police roles were seen by the police to be neutral to cross-cultural differences. However, Carter (1976) adds that neutrality often coincides with an assimilationist perspective among police officers on the place of Natives in Canadian society.

Other research demonstrates that the police may be even more culturally biased in their attitudes towards Natives in general, and that certain perceptions of Natives may lead to police discrimination. Hylton et al (1979) found that in Regina Natives were viewed as lazy and as drunkards by a high percentage of the

city's police officers. These views significantly affected patterns of native/police contacts. Similarly, in areas such as Frobisher Bay, NWT, police actions are frequently focussed on "crisis intervention in cases of alcohol abuse". As a result, the image of Natives held by the police often becomes negative as a few police officers "...tend to lose their perspective when they are too long in one place fighting drunks" (Finkler, 1976: 73). The "native drunk" appears to be a recurrent stereotype that frequently guides police intervention in the way some natives conduct or misconduct their social lives in both rural and urban settings. This may lead to more general discrimination and the unnecessary involvement of some Natives with the police (cf. Bienvenue and Latif, 1974; Haveman et al., 1984; Lambert, 1978; Morinis, 1982). Indeed, there is the distinct possibility that native stereotypes are often generalized from more serious "trouble spots" to other native locations (Finkler, 1976: 73). Therefore, discriminatory police views and actions prompted by negative, cross-cultural perceptions of Natives may be even more widespread than the research literature indicates.[1]

The negative perceptions of Natives held by the police may be generated by other police practices. For example, police withdrawal from the native community, physically and/or socially, or the limiting of contact with the native community to the point of "crisis intervention" and crime-fighting (FSIN Study, 1984; Finkler, 1976; Loree, 1984) may lead to a view of Natives more as individual adversaries in the policing process than as beneficiaries of a community protection service.

Such negative evaluations of Natives by the police, whether intended or not, tend to undermine Native support for the police. Without voluntary public support, the moral and legitimate status of native policing agencies is weakened to the extent that there is often very little opportunity for the police to effectively mobilize community resources in the common pursuit of social order and crime control in native communities. Beyond this point, Native "acceptance" of the police may ultimately rest on force and coercion.

Native Perceptions of the Police and Policing

For many Natives, the police and policing are symbolically and pragmatically relevant to historical native grievances vis-à-vis the wider, non-native society, and this makes the issue of their perception by Natives much more complex. In some cases, native communities tend to perceive non-native police as agents of outside non-native society and representatives of a dominant power structure with often different interests, needs and priorities than those of native communities (Loree, 1983: 9; Marchant, 1985: 17). Not surprisingly, some Native people may even equate non-native police with this power structure, a view not inconsistent with the historical role of the RCMP in native territories (Macleod, 1976). Perhaps even more startling, non-Natives may in general be used by Natives as symbolic categories in threats of punishment for bad behaviour, especially among small children (Smith, 1975). Thus, native collective orientations to social order and crime control place non-native categories and policing firmly within the assumptions of on-going community life which may reflect negatively on them.

Life in native communities is governed by a set of norms, values and beliefs that are applied and transmitted in the community often on an intense, personal basis. The personal realm is an important consideration in native thought and practice which does not always coincide with native perceptions of the worlds in which non-Natives act. For example,

> In the eyes of the tradition oriented Inuit the (non-Native) Kabloona world is excessively rigid and concerned with discipline, too ready to invade an individual's zone of privacy. They view the Kabloona as relatively insensitive in the sphere of what we call human relations (Vallee, 1972: 87).

For many Native people, the police represent the archetype of non-native discipline, gratuitous intervention and insensitivity vis-à-vis native concerns. As in some other Inuit districts,

> Many people in Nain feel that the community was "more peaceful" when the elders were handling social and marital problems more actively. They resent the introduction of foreign institutions such as the RCMP ... they take great offence at the police coming to their homes, searching for home brew, sometimes without a warrant or an interpreter and for often "picking up drunks on the way home from the bar" (Lambert, 1978: 64-65).

As we have seen, such discriminatory, pro-active policing is precipitated by fundamental misinterpretations across cultural boundaries and the application of Western, national legal norms to non-Western forms of behaviour. Conversely, the behaviour of the police may be misinterpreted by Natives according to the dictates of their own normative structures. In the Mackenzie Delta, for example,

> Native people tend to personalize the actions of a person's authority. There is little recognition that a ... policeman ... acts in a certain way by virtue of the definition of his office. His actions are believed to be an expression of his personal like or dislike for specific individuals, Inuit, Indians, members of a certain clique and so on (Smith, 1975: 61).

Native perceptions along these lines, therefore, may create the local impression that the police frequently exercise arbitrary authority which, when translated at other levels of social understanding, may mean a denial of privilege and equal value to Natives. The concommitant failure among some Native people to accept the authoritarian role of the police further intensifies Native incomprehension of police actions.

It is important to bear in mind, however, that native perceptions of the police are not always expressed in negative terms. Some members of certain contemporary native communities in Alberta view the RCMP, for example, as "their police" (C. Hurd, personal communication). Elsewhere, the RCMP has been seen by some Indians as the key policing authority in their communities (Penner Report, 1983: 66; cf. FSIN Study, 1984: 94). Providing some historical and cultural depth to native appreciation of the role of local RCMP officers, Finkler (1976: 15) comments that the original meaning of the 'police' in Inuktitut was "someone who helps out". But when police roles in Inuit communities assumed more narrow definitions that conformed to the increasing and predominant practice of crime-fighting and law enforcement, the meaning of the 'police' changed to "one who maintains order". Not surprisingly, many Inuit now feel that the police "... are no longer friends to the people" (Ibid.). Other Natives, especially those in constant conflict with the police, are of the opinion that the police never have been (e.g. Morinis, 1982).

It is also frequently the case that conflicts between national and local native legal norms have a negative impact on native perceptions of the police. For example, Lambert (1978: 64) reports that,

> Northern residents seem dissatisfied with the present legal system in Labrador and many informants expressed feelings of hostility towards that system. "A lot of us feel it's not fair" ... the high number of complaints about the RCMP ... seem related to ... contradictions between the lex loci and the Canadian law.

These legal conflicts, as well as certain jurisdictional discrepancies and practical necessities of native policing that flow from them, are instructive for an understanding of a fundamental native attitude towards the police. On the one hand, Natives may deny the cultural relevance and applicability of certain laws to the local native situation. This is especially the case in matters of hunting and fishing rights and practices. Thus, according to variable local native definitions and practices, certain customary arrangements, disputes or even conflicts are beyond the cultural-legal competence and jurisdiction of non-native police. Yet in other cases, when disorganization or the absence of other forms of social control characterize native communities, the police may be seen by some Natives as a "necessary evil". Similarly, an otherwise pervasive and intrusive non-native legal system may be seen by Natives as incomplete or inconsistent in its application when, for example, some local disputes are beyond both police jurisdiction and native capacities to cope.

Legal conflicts across national, provincial/territorial and local boundaries as well as discrepancies in police powers and jurisdiction in native communities tend to complete and perpetuate a relation of "hostile dependency" (cf. Smith, 1975: 68). Native people may be reluctant to make police service requests for a variety of cultural reasons but at the same time complain about police reluctance or inability to respond to their policing needs (Attorney General of Alberta, 1978). And when the police do respond to incidents in Native communities, the form and content of that response is frequently problematic. Thus, under a situation of "hostile dependency" Native dissatisfaction with police service delivery is likely to increase. It is also likely that Natives will find themselves alienated from the official policing process as the police become alienated from the native community.

Institutional Interpretations of Indigenized Policing: Assumptions, Goals and Expectations

A policy to indigenize police forces for native communities was introduced by the federal government during the last decade in the form of a Task Force Report on policing Indian reserves (Indian Affairs and Northern Development, 1973). As a native policing policy, its strategy was aimed at achieving a number of primary goals. These goals may be restated as:

(1) the improvement of police service delivery to native communities;
(2) the reduction of Native involvement in the criminal justice system;
(3) the relaxation of tensions between the police and the native community; and
(4) the strengthening of native traditions.

Supplementary to these primary goals are at least three derivative goals, which include the following:

(5) the participation of native people in the policing process;
(6) the provision of employment and career opportunities for Native people; and
(7) the reduction and/or re-direction of non-native police workloads.

Specific institutional arrangements for native policing were to assume two different forms which place different emphasis on the way Natives may be incorporated into police agencies. The first consists of an arrangement where native police officers are incorporated into existing non-native police organizations such as the RCMP or OPP through the adoption of special or regular constable status. The second arrangement involves the establishment of tribal or local native police agencies whose indigenous members assume control of police funtions.

In either arrangement the key element was seen to be the quality and character of the individual native constable. At this level of indigenization it was assumed that a native police officer is the best resource available to Native people and police organizations to meet the policing needs and requirements of native communities and to assist in resolving their policing problems. The idea is that the native constable is in a unique position (compared

to non-native officers) to appreciate how policing problems and issues are conceptualized and acted upon by local native communites, and to follow them up with the appropriate complementary or supplementary policing response.

In general then, the native constable was (and has been) seen by some policing authorities as a control for cultural awareness and sensitivity in the policing process and therefore as a guide/agent for appropriate and effective police service delivery to native communities. Given these conditions, the native officer is also assumed to be in a better position than a non-native officer to maximize police discretion on the basis of his/her knowledge of culturally specific definitions of both crime and deviance and response options in native communities. The exercise of discretionary latitude by native constables therefore, has been thought likely to gain public support from the native community, especially if it is congruent with the ways in which Natives resolve conflicts, manage disputes, or respond to offenders.

Ideally, this would provide scope for the re-definition of police roles in the native community. More narrow role definitions that emphasize crime-fighting and the apprehension of native "criminals" would be replaced by a much broader definition that accommodates the principles of native social control and order maintenance, thereby enhancing native cultural traditions and minimizing "hositle dependency". More importantly, given a locally acknowledged legitimacy, the police would be unlikely to "withdraw" from the community. Thus, a continuous police presence in the community would increase police visibility, accessiblity and response-ability, all of which are recurrent and contentious issues for many native communities across the country.

Subsequent to these benefits, indigenization of the police force would also seem to imply a more meaningful and collective participation in police decisions and policing by members of the native community. And for the individual native officer, it would seem to provide opportunities to participate in many spheres of native community life, thereby establishing a balance between official police duties and the police officer's status as a

community member. Thus it was assumed that the indigenization of the police would facilitate the achievement of native policing goals and objectives and, in particular, a significant measure of community/police interdependence and cooperation.

Theoretically, indigenization of the police appears to be a promising policy strategy for native policing. However, there is an underlying conceptual issue that has an important bearing on the general status of indigenization as a policy preference and the practical application of indigenized police models to native communities. Although 'indigenization' emphasizes cross-cultural requirements for native policing, it also appeals to distinct, non-native police models and categories. Thus, the prevailing articulation of ideas about critical native policing arrangements derives from various Western-urban categories and value positions. These entail ways of thinking and reasoning about native policing for which there are few precedents in traditional native experience and culture. While this does not necessarily deny the latter some form of recognition in policing matters, it does imply that institutional arrangements for indigenized police services are pre-defined in terms of dominant Western-urban police models (e.g. Engstad, 1983; Marchant, 1985).

As a result, indigenization presupposes a certain type of non-native police organization in which roles, recruitment, training, procedures, priorities, policies, service delivery methods, etc., reflect prevailing non-native definitions and standards. However, the Task Force on policing reserves did not adequately consider the implications of these factors for the provisioning of native police services. In the following section we shall examine specific examples of indigenized, non-native police models and organizations, and discuss their impact on native communities.

II. NATIVE POLICE PROGRAMS

Introduction

Over the last decade Natives and various government authorities have shown increasing interest in the development of native policing. However, the

evolution of native police programs has been directed mainly by the federal government. These now include programs that range from limited municipal police programs where native liaison workers and officers assist in encounters between Native people and the police or provide other services that facilitate the administration of justice to Natives, to more comprehensive programs that provide police services to native communities and, in particular, Indian reserves.

Although policing is within provincial legislative jurisdiction, policing on Indian reserves raises special considerations. These considerations have led to the establishment of special Federal-Provincial arrangements for reserve policing. More recently, however, there has been a sense of urgency to develop comprehensive native police programs at and beyond the reserve level because of the accelerating social and political relevance of a wider range of Indian, Inuit and Métis groups and organizations across the country. Socially, native policing is an issue that has an impact on the wider concerns of native cultural identity and community survival. And politically, native policing is a major policy item presented by Indian, Inuit and Métis organizations and groups to different levels of government (Government of Canada, 1975; Penner Report, 1983; Solicitor General, 1980).

These broader considerations draw attention to another significant dimension of native policing. The implementation of reserve policing models constitutes an experiment where one may assess the ramifications of native policing policies and programs for a certain type of native community. While it is useful to build on the results of such experiments for the purposes of native police program development, it is also important to address alternative contexts for policing Native people. For example, consideration of policing in other (non-reserve) native communities might permit a more general discussion of those factors that either inhibit or promote the success of native police programs and whether or not those factors exist or (for the more valued ones) can be reproduced under changing native policing conditions. Thus, in addition to a consideration of reserve police programs which is the subject of the present section are issues, taken up in the next section and following chapter, that are relevant to a more general discussion and appreciation of policng options for native communities.

Policy Issues and Native Proposals: General Themes

An important milestone in the development of native policing is the National Conference on Native People and the Criminal Justice System, held in Edmonton in 1975. These proceedings drew public attention to various native policing issues that remain relevant and pressing today. The key themes voiced by native groups at the conference included:

(1) a measure of native control in the administration of justice;
(2) native representation and participation in (alternative) justice systems;
(3) the improvement of police service delivery through greater availability of and access to the police;
(4) the closer integration of the police with the community; and
(5) the preservation of native culture through stronger ethnic identities and community survival.

Significantly, the Task Force on reserve policing had already constructed a policy framework which was intended to address these themes. However, their re-emergence two years later suggested a measure of Native dissatisfaction with the Task Force's recommendations. Therefore, the concrete proposals and programs contained in and implied by this policy framework merit re-examination.

Government Responses and Policy Initiatives

The interim Task Force report dealing with the Development of Alternative Methods for Policing on Reserves made the suggestion that Status Indian Bands be asked through their various associations to indicate their preference for one among a number of policing alternatives. The available alternatives defined by the Task Force were placed in a native policing spectrum. This was divided into several areas and options in terms of the institution that would be the principal authority for policing functions. The specific police institution would determine the basic nature of the police force actually delivering the services. The simplest forms of policing, structurally

speaking, lay in variations of the existing Band constable system where the principal authority is vested in a Band Council.[2] These comprise Area 1.

In Area 2 are options in which the principal authority is vested in a municipality. The most complex and sophisticated options involve either (Status) Indian provincial police forces or (Status) Indian contingents in existing provincial police forces where the principal authority is vested in a province. These options are included in Area 3. For convenience and easy reference, the various options may be detailed and listed as follows:

Area 1: Band Council Policing
- (a) Civil by-law enforcement constable;
- (b) Supernumerary Special Constable enforcing by-laws and federal and provincial laws with respect to minor offences; and
- (c) Supernumerary Special Constable with authority to enforce all federal and provincial laws.

Area 2: Municipal Policing
- (a) Purchase of police services from existing forces;
- (b) the Band is considered, for purposes of policing, as a municipality; and
- (c) the use of existing police services.

Area 3: Provincial Policing
- (a) A separate Indian police force; and
- (b) an Indian branch or contingent of an existing police force of which it would be an integral part.

The results of the Task Force survey showed a greater preference for "Option 3(b)" among both Natives and non-Natives. In addition, it was acceptable to most provincial governments and to provincial police forces. However, it is questionable whether the survey reflected truly representative community preferences among Natives.

Initially, these policing options may be reduced, in terms of authority, jurisdiction, administration and support structures, to two different categories and to a third transitional or intermediary category:

(1) police programs controlled by Natives;

(2) police programs controlled by non-Natives; and

(3) "evolutionary" programs that transfer control from non-Natives to Natives over a period of time.

Despite the apparent diversity in native policing options, there is a uniform, non-native premise underlying all of them: ultimately police forces servicing native communities would be accountable to non-native government and would be moulded in the image of non-native police models and organizations. Equally important, they would also be controlled by non-native authorities. Thus, in crucial policy areas, the Task Force did not consider the wider context and implications of native culture and society for the structure of native policing arrangements.

This is hardly surprising. The Task Force had not anticipated the political evolution of native communities we are now witnessing nor the pressures that would be exerted by native groups and organizations on government to define native policing options more directly in terms of native values, interests and concerns. As a result, Natives and government are increasingly drawn into debate and negotiation over the issues of native policing. No less important are research findings that indicate a necessity to modify, change or terminate features of government-inspired native police programs for certain native communities and to introduce a new policy and set of native policing options for government and Native consideration.

National Native Police Programs

A number and variety of native police programs are operative and available to certain native communities in Canada. As a starting point, we shall discuss examples of non-native controlled police programs since they are, numerically speaking, the most significant and include programs that apply to the widest range of native communities. This is followed by an examination of "native-

controlled" police programs that have a more restricted field of application. For reasons of space and available information, not all native police programs are considered in this report. However, the programs detailed below are representative of the kinds of policing arrangements available to native communities in Canada today.

Non-native Controlled Police Programs

(1) The RCMP Native Special Constable Program

Established in 1973, this policing program, also known as "Option 3(b)", was designed to attract more Native people[3] to the RCMP to train as constables. As better qualified police, native officers are expected to provide for more effective policing of reserves by bridging the culture gap between native communities and RCMP detachments, increasing native awareness and acceptance of the criminal justice system and meeting the unique policing needs of native communities. The original intention of the program in Saskatchewan, for example, was to provide "enriched" police services to reserve communities by encouraging preventive policing and liaisons with Chiefs and Band Councils.

In 1982/83 there were 154 Native Special Constables (NSCs) covering 124 locations throughout Canada except Ontario, Quebec and New Brunswick. Of this total, 18% (32) were female. Recruitment is through individual application to the RCMP. An applicant is not required to meet all the regular selection criteria, i.e. less than Grade 12 education and/or prior criminal record will not automatically prevent the appointment of an NSC. Once recruited to the RCMP, an NSC may, under formal arrangements, convert to full constable status. Training takes place at the RCMP Depot Division over a period of 16 weeks (rather than 25 weeks for regular members) followed by 6 months field training. Although salaries are lower for an NSC than they are for a regular constable, NSC duty on reserves is not taxable for Status Indians. Also, some benefits of the two types of constables are similar.

NSC police service is delivered through RCMP detachment offices responsible to an RCMP division. Thus, an NSC is accountable to the local

detachment commander and not to the local Band Council. All operational decisions at the detachment level are ultimately subject to Divisional Command approval while all decisions regarding administration, policy and management are made by the Native Policing Branch at the RCMP Headquarters office in Ottawa. NSCs may enforce Federal and Provincial statutes, the Criminal Code, the Indian Act and Band by-laws. However, unlike their training in other categories of law, NCS's receive no training in Band by-law enforcement. NSCs have full peace officer status on and off reserves, performing duties generally comparable to those of regular members but assuming primary responsibility for liaison with the reserve. Although NSCs may police their home reserve, there is no requirement that they do so. Also, transfers from reserves are possible.

According to the most recent available figures (1982/83) the average cost of the program per NSC was $34,858.56, with financing covered by the Department of Indian Affairs and Northern Development (46% of the total cost) and the province concerned (54% of the total cost).

Program Impact

The Native Special Constable Program is the most significant native police program in terms of its size and geographical distribution. However, only a limited number of evaluations have been completed to date. While all agree that the program is not working perfectly, opinion is divided over the question of its continued development or indeed existence for many or most native communities in which it now operates. To some extent, the lack of agreement on this crucial issue is a reflection of the specific values and expectations held by program evaluators and their sponsors concerning such unresolved policy issues as separate, autonomous native police forces. As Haveman et al. (1984: 37) have observed:

> Most studies done by or for Indigenous organizations approve of autonomous policing while those done by or for government agencies appear to prefer policing by special constables.

Given the history of relations between the federal government and Native people, opposition and competition between them over this issue is expected and, perhaps inevitable. However, disagreements over the status of "Option 3(b)" in any given native community may also be a reflection of the underlying variation

in native policing conditions, problems, needs and priorities across the country or, equally, of the method of evaluation. Thus, from a review of available information, different conclusions may be drawn about program impact in a variety of policing areas.

(a) Community Response

The findings of several research studies indicate that the Native Special Constable Program receives the support of some native communities (cf. Penner Report, 1983: 66). It has been reported, for example, that many Natives view the program as:

1. an improvement over prior policing arrangements such as policing by regular, non-native RCMP officers or Band Constables (Evalucan, 1978); or

2. acceptable, given current levels of native human and material resources, though not necessarily preferable to a separate, autonomous native police force (FSIN Study, 1984).

Central to reported native support is the apparent favourable institutional standing[4] of the program in native communities. As a result of the addition of Native Special Constables to RCMP detachments, complaints about offences coming to the attention of the police have increased. Although this tends to increase the workload of the detachment,[5] the greater flow of information may lead to improvements in commmunications and other relations between the police and native communities (Evalucan, 1978; Van Dyke and Jamont, 1980: 127). In particular, it is reported that Natives have a better understanding of and respect for the criminal justice system and its agencies/agents while some regular, non-Native RCMP officers appear to be better informed about cross-cultural issues and prepared to alter their attitudes and approaches to native policing. Thus, the complementary and supplementary policing services provided by Native Special Constables assigned to RCMP detachments appear to mobilize community support and participation in some areas of the country and provide culturally informed guidance to some non-native RCMP officers in the policing process. On the basis of this evidence then it would appear that Native Special

Constables are used (by native communities) more often than other, regular non-native RCMP officers.[6] More importantly, certain Bands have continued to seek this program as a policing arrangement for their communities. Not surprisingly then, actions and requests like these are often interpreted by the RCMP as indicators of native satisfaction with the program (Social Policy Research Associates, 1983: Appendix A, Part II, p. 27).

Such findings are not universal, however, as other research inquiries reveal considerable tension, hostility and conflict in native communities affected by the program. At the intital stage of recuritment, for example, Parnell (1979) and Finkler (1976) found considerable resistance to employment with the RCMP among Yukon Indians and Inuit of Frobisher Bay. The reluctance of some Natives to be recruited as Native Special Constable candidates seems directly related to the difficulties experienced by some Native Special Constables and/or families when the former are on or off the job. Especially disturbing are social pressures and conflicts of interest at the levels of kinship and politics when Native Special Constables police their home communities (cf. Wachtel, 1982: 116). In some cases, incidents requiring police intervention involve close kin. In their study of Native Special Constables in Saskatchewan, Van Dyke and Jamont (1980: 99) found that almost one-third of those interviewed had, at some time during their career, been required to arrest or charge their mother, father, brother or sister. Yet assignment or reassignment to other than one's home community does not necessarily resolve this issue. Since extended kinship networks may spread across several communities, clan relatives, for example, are also likely to come into conflict with "brothers" or "sisters" who police their communities.[7]

Equally, if not more, disturbing are reports and recorded cases of Native Special Constables and/or their families being isolated, rejected, harassed or threatened by members of native communities as a result of their police status and duties (e.g. Finkler, 1976: 66-67; Van Dyke and Jamont, 1980: 120). Furthermore, they may be subject to manipulation by community members for a variety of reasons (e.g. gaining access to information) or be criticized for their inability to police the community fairly or without bias, especailly if relatives of the police are perceived by the community to be given preferential treatment in the performance or non-performance of police duties (Van Dyke and Jamont, 1980: 99-102).

Thus the dilemmas faced by Native Special Constables frequently stem from their position as truly marginal men and women. As Van Dyke and Jamont (1980:125) graphically describe it:

> . . . The Indian Special Constable is caught in the position where he has one foot in each world and responsibilities to both. As a result, sometimes it is very difficult to find a place "to lay one's head". All too frequently the result is that the Indian Special becomes more and more isolated from meaningful contact with either world.

Under such policing conditions it becomes very difficult to strike a balance between "local" and "unbiased" native policing. As the Native Counselling Services of Alberta, (1980: 32) aptly describes the dilemma,

> RCMP constables are usually strangers to the reserves they police, they live off the reserve and they are usually transferred before they become familiar with it. On the other hand, local Indian police constables are usually residents of the reserve and are familiar with local customs and problems. However, this is also to their disadvantage in that they are subject to considerable family, clan and local political pressures.

(B) Individual and Other Program Benefits

Despite these operational difficulties, there are a number of individual and highly valued benefits that may be identified with the program. For example, in addition to providing employment opportunities for Native people, many Natives see employment with the RCMP as a promising career, (Evalucan, 1978:36; Social Policy Research Associates, 1983: Appendix A, Part I, p.3; Van Dyke and Jamont, 1980:85-86). Improvements in the adequacy of training combined with the introduction of promotional levels make it possible for some Native Special Constables to advance to a supervisory status within the program or to take advantage of other forms of promotion such as transference to the regular force. In other situations, employment as a Native Special Constable (or regular force member) may serve as a "stepping stone" to more lucrative jobs or may lead to other employment where skills acquired as a Special Constable are transferable (Social Policy Research Associates, 1983: Appendix A, Part II, p. 15-20; Van Dyke and Jamont, 1980: 89).

Within the RCMP, the variety of individual policing skills found among Native Special Constables may be put to much practical use especally when

policing under changing community conditions. For individual Special Constables, the opportunity to exercise their policing skills is seen by some as a way to make a contribution to the stability and order of their communities (e.g. Evalucan, 1978: 36). For management, the qualities of individual officers may be integral to a more flexible native policing system. In this context, Van Dyke and Jamont (1980: 128), note that

> . . . Indian Special Constables are not all deployed in the same way. An immense range of variation exists with regard to the abilities of individual Specials, the nature of different communities and the orientation of detachments. As a result, flexibility, if understood and used properly, is a major constructive aspect or positive feature of the program.

Nevertheless, a number of studies indicate that a desirable and workable level of flexibility that takes into consideration all these factors has proved difficult to attain under the current constraints of the Native Special Constable Program. Thus, there are certain problems and difficulties that may be characteristic of <u>all</u> applications of the program that demand serious attention and consideration.

(C) <u>Key Issues</u>

Evaluations and research inquiries have revealed that Natives consistently experience difficulties in certain program areas. These areas concern aspects of service delivery, the level of native involvement in policing policy and program development, institutional interpretations of "Option 3(b)" and the impact of the program on native "crime".

While many native communities have expressed satisfaction with the quality of police services provided by Native Special Constables, there is a general concern that they are at the same time insufficient. According to the views of some Natives, the availability, accessibility and frequency of these policing services have been undermined by inadequate numbers of both Native Special Constables and sub-detachments (staffed exclusively by Natives). As a result, Natives often complain that service delivery is subject to delays while at other times it appears simply to be too slow. Similarly, both infrequent patrols as well as the minimal time spent by some Native Special Constables on reserves

frustrate native demands for a more visible police presence in their communities (Evalucan, 1978: 51, 55: FSIN Study, 1984: viii, x; Social Policy Research Associates, 1983: Appendix A, Part II, p. 10).

Far more problematic is the issue of native control and input into program development and policy initiatives. Currently, representatives of native communities have neither the opportunity nor power to direct policy initiatives and program developments toward the specific and often unknown policing problems, needs and priorities of their communities. Moreover, the native traditions thought essential to the institutionalization of the police, such as police personnel and control, relationships to political authorities, and philosophy of operations (i.e. general models and principles of native policing) are largely overlooked when Natives are excluded from decision-making. As a result, native policing policy objectives outlined by the 1973 Task Force as well as native aspirations often remain unsatisfied at the level of program structure and implementation. More recently, efforts to augment native involvement in decision-making have been concentrated at the level of formal meetings between RCMP detachments and native communities. While the regularity of these meetings varies by province, it is not entirely clear to what extent, if any, these arrangements have alleviated native grievances over the issues of control and beyond that, the integrity of native police. The available information suggests that in some cases, these efforts have failed to establish and maintain close and effective working relationships between Natives and the police: for example, the Indian Associations of Alberta has withheld public support of the program while the Native Counselling Services of Alberta has declared the program unviable and "politically defunct" (Social Policy Research Associates, 1983: Appendix 1, Part III, pp. 8, 32; Griffiths and Yerbury, 1984: 154).

Restrictions on and confusion over native involvement in the program are closely tied to the institutional interpretation given by the RCMP to "Option 3(b)". As Van Dyke and Jamont (1980: 129) note:

> ... the Task Force report 3b option originally specified "an Indian Branch or contingent of an existing police force of which it would be an integral part". The option does not specify that Indian policemen should be placed in the rank of "Special Constable". On a practical level, our information suggests that the "Indian Special Constable" program tends to get caught up in the emphasis of rank (i.e. "Special Constable") rather than culture (i.e. Indian).

The complications that flow from this definition have been indentified as recurrent difficulties and problems inherent in the program's structure. In general, a ranking system identifies and reinforces the separation of roles and duties within a police department, and in the process specifies their scope. Although the rank of "Special Constable" is separated from that of a regular, RCMP constable, the actual duties of the former frequently parallel those of the latter, sometimes at the expense of a Special Constable's crucial liaison with native communities. More importantly, in their study of Native Special Constables in Saskatchewan, Van Dyke and Jamont (1980: 57) found that:

> . . . forty-two per cent (42%) of the respondents stated that they know their job clearly. When these individuals were asked what their job is, the response was nearly unanimous. "I do exactly the same job as a regular member". However, we note with even greater interest that for fifty-eight per cent (58%) of the Special Constables their understanding of the requirements of the job is very fuzzy in their minds.

Nor does the Force appear to have a clear and consistent idea of the nature of the job to be performed by the Special Constable as a matter of policy. For the purposes of practical policing, Native Special Constables may be assigned a wide range of duties depending on local community conditions and/or the policing orientation of specific detachments. As a result, misunderstandings and confusions between the RCMP and native communities over the role of the Native Special Constable may lead to unnecessary complaints and frictions that further undermine the role performance and effectiveness of Native Special Constables. These issues are further aggravated by the RCMP policy position requiring Native Special Constables to wear special uniforms that are distinct from the red serge outfit worn by regular RCMP constables. While apparently unintended, these differences in police uniforms give symbolic expression to the subordinate and adjunct status of Native Special Constables as testified at other levels by their lower recruiting and/or training standards, differential pay and "special" status. Furthermore, they are symbolic reminders for both the Special Constables and the native community that the Native Special Constable "contingent" is separate from the Force and poorly integrated with the overall native policing mandate of the RCMP. In practice, these factors often undermine the authority, morale and effectiveness of the Native Special Constable (Van Dyke and Jamont, 1980).

(D) Impact on Crime

One of the more surprising aspects of research into and evaluations of the RCMP Native Special Constable Program is the lack of data concerning the program's impact on the level of "crime" in native communities. Aside from the impressions of staff at the Native Policing Branch, RCMP, in Ottawa that there is less crime on reserves since the implementation of the program, and that corresponding improvements in crime prevention have occurred (Social Policy Research Associates, 1983: Appendix A, Part I, p. 6), there is no sound statistical basis to assertions that the program has or has not reduced levels of native "crime" in native communities.

(2) The Ontario Indian Special Constable Program

As the result of a tripartite agreement between the federal Department of Indian Affairs and Northern Development (DIAND), the province of Ontario (the Ontario Solicitor General) and the Indian Associations of Ontario, this variant of "Option 3(b)" was established in 1975 with a design similar to that of the RCMP Native Special Constable Program but with some structural differences.

The general purpose of the program is to improve the quality, quantity and accessibility of policing services to Ontario Indian communities. It places emphasis on crime prevention orientations to native policing, encourages greater Band control over policing on native reserves and provides opportunities for native communities to be policed by native constables.

In 1982/83, there were 123 Reserve Special Constables (RSCs) providing policing services to 56 reserves across Ontario. All the officers were male and all but 10 were Indian or Band members. Recruitment to the program is contingent on the approval of individual applications by the Ontario Provincial Police (OPP) Indian Policing Branch and the Ontario Police Commission. Again, the selection criteria are not as stringent as those used to select regular OPP officers, i.e. less than a Grade 12 education and/or prior criminal record will not automatically prevent the appointment of an RSC. However, there are no formal arrangements that permit conversion to regular officer status in the OPP.

According to existing reports, the OPP do not employ the RSC directly since they are hired by the Bands. But in consultation with the Bands, the OPP selects, trains and "posts" RSCs, sets the terms and conditions of work and supervises their performance in the field. Training is provided and paid for by the OPP. This consists of a three week orientation and 16 weeks at the Ontario Police College, which is identical to the training period for regular OPP officers. However, there is a critical difference in that RSCs are only required to attend the courses rather than pass them. In addition, Indian policing seminars are held for RSCs. Salaries for successful candidates are lower than those for regular officers, but they are not subject to income taxes in the case of Status Indians. Also, some benefits are generally similar to those of regular officers.

Reserve Special Constables are accountable to the Band Council and the Commissioner of the OPP. However, administration of the program is handled by the OPP from Headquarters, under the Indian and Municipal Policing Services Section of the Field Administration Branch. Similarly, operations are controlled by Headquarters while matters of native policing policy are dealt with by the Ontario Ministry of the Solicitor General. The RSCs have full peace officer status with a range of duties similar to those of regular OPP officers. RSCs may enforce Federal and Provincial statutes, the Criminal Code, the Indian Act and Band by-laws. But like RCMP Native Special Constables they receive no training in the area of Band by-laws. Moreover, their enforcement activities are limited to one reserve or a group of reserves. It is interesting to note in this context that most (79%) RSCs police their home reserves while there are no formal arrangements that allow transfer to another reserve.

The most recent available data show that in 1982-83 the average cost per constable was $35,244.46. These costs are shared by DIAND (accounting for 52% of the total cost) and the Ontario Solicitor General (accounting for 48% of the total cost).

Program Impact

Although the Ontario Indian Special Constable Program (OISCP) is restricted to one provincial jurisdiction, its size and complexity are similar to the RCMP Native Special Constable Program, and, therefore, ranks as a major native policing program in Canada.

Of the few evaluations of the programs conducted to date all appear to favour its continued development and expansion. However, it has also been recognized by evaluators that the question of alternative native policing arrangements for Indian reserves in Ontario is an important issue. One of the more important developments in this context has been the establishment of the Ontario Indian Police Commission, as well as an Indian police association. These in turn have important implications for the future possibilities of independent, native-controlled Indian police forces at the community or regional level. Significantly, such directions in native policing in Ontario are supported by many chiefs as well as by members of the OPP (Social Policy Research Associates, 1983: Appendix B, Part II, p. 28).

(a) Community Response

According to Chiefs and RSC officers surveyed by Social Policy Research Associates (1983), native communities in general are satisfied with the policing services provided by the program and feel that the OISCP is a good policing arrangement for the reserves. Comparisons of these views with some native attitudes to prior policing arrangements or to current arrangements that do not involve application of the OISCP tend to bear this out. Most Chiefs and RCSs surveyed reported the program was an improvement over regular OPP policing of reserves, while nearly all Chiefs whose communities were not in the program were dissatisfied with regular reserve policing arrangements, namely those provided by regular OPP officers. As indicative of the degree of dissatisfaction, it was found that 58% of the Chiefs from reserves not in the program had apparently applied for and needed the services of a Reserve Special Constable on their reserves, but were turned down for various reasons including:

(1) inadequate funding;
(2) small scale of communities;
(3) perceived low crime rates;
(4) availability of regular OPP services; and
(5) unqualified police candidates from the reserve.

In other cases, certain reserves were excluded from the program simply on the basis of an initial "first-come, first-served" policy (Social Policy Research Associates, 1983: 102, 148, 149, 169).

The favourable response of native community representatives (e.g. Chiefs), Reserve Special Constables and regular OPP officers to the program are closely

tied to the quantity and quality of police services provided by Special Constables. Among the more highly valued services in this context are:

(1) regular patrols and (usually) satisfactory levels of police visibility in the community;

(2) reasonably fast response to complaints; and

(3) good communication links with community members as well as an appreciation of community policing problems that, in many cases, obviate the "need" to lay charges.

As a result of the policng benefits that seem to flow from the activities of the Special Constables to the reserves, the program has received the support of most Chiefs, RSCs and regular OPP members and presumably the wider native community. In particular, the program is reported to have:

(1) increased native understanding, respect and acceptance of the criminal justice system, its agencies and delivery agents;

(2) increased the use of service delivery by reserve Natives;

(3) improved Band-OPP relations in general; and

(4) reduced regular OPP officer workloads thereby enabling them to redirect their attention to other policing priorities.

(b) Individual and Other Program Benefits

In most cases, the working conditions defined by the program are perceived by Special Constables to be good. According to some reports, both salaries and employment benefits seem satisfactory to a majority of native police surveyed while the opportunity to assist in the general development and improvement of the quality of life in the community are usually welcomed by Reserve Special Constables. (However, dissatisfaction over salaries and employment benefits seems to have become more prevalent in recent years (B. Morse, personal communication)). Significantly, a majority of Special Constables expressed positive attitudes towards a career as a Reserve Special Constable and beyond that as a regular member of the OPP. However, career trajectories and mobility within the Reserve Special Constable category are more limited.

(c) Key Issues

More serious concerns and difficulties have been identified with the joint participation by the OPP and Band Councils in the areas of program

administration, operations and development. Especially troubling are issues concerning program responsibilities and distribution of powers.

For example, considerable ambiguity exists over the nature of the Band Council's role in relation to policy direction and control, police operations and field supervision, and financial matters such as determining budgets and expenditures. Many chiefs, for example, complained about their lack of power in these program areas. Similarly, the overlap in OPP and Band Council program responsibilities has created confusion over who has the authority to make final decisions in matters of reserve policing. In practice, however, effective input from Band Councils in this context is usually restricted to lower program levels such as the selection, recruitment and appointment of police candidates, and their supervision in the field. More systematic native involvement in program planning has been noticeably lacking, a fact that has important implications for the status and enforcement of Band by-laws.

Evaluations of the program have also revealed a number of problems experienced by native police in preparation for and performance of their duties. A number of Special Constables surveyed felt they had achieved adequate levels of legal training and required more field supervision. Closely related to these issues is an expressed need for field training. Significant numbers of those officers interviewed complained about the lack of promotional opportunities with respect to management positions and felt there were few opportunities to become supervisory RSCs. In this context, it is interesting to note the high attrition rate (25%) among RSCs which Social Policy Research Associates (1983) attribute to issues of dual supervision (by Band Councils and OPP), job security and career orientations. In contrast, the attrition rate among regular OPP members is 3%. Finally, the available evidence also suggests that many RSCs experience difficulties such as social pressures when policing their own reserves.

Some Chiefs also expressed concern over the quality and quantity of native police on their reserves. In some cases, quantities were thought to be inadequate and changes necessary in order to improve the general availability of Special Constables. On the other hand, the inexperience of many RSCs was seen by some Chiefs as a disadvantage regardless of their numbers. Closely related to this issue is the expressed need for more crime prevention activities on the reserve, while jurisdictional issues such as restrictions on the legal powers of native officers off the reserves and in particular at various native gatherings and events, remains a point of contention.

(D) Impact on Crime

There appears to be general agreement among native community representatives (i.e. chiefs) native police and the OPP that since the inception of the Ontario Indian Special Constable Program safety and order on the reserves in the program have increased. Also, OPP personnel expressed the view that more incidents involving reserve residents have been cleared without charges being laid since the program began. Yet there are no statistical data that might be used to assess the effects of the program on levels of native crime in reserve communities. The only available evidence concerning the status of crime reduction on reserves is ambiguous at best: opinion is divided among all key parties to the program as to whether there is more or less crime on reserves policed by Special Constables when compared to reserves policed under other arrangements. Nevertheless, there may be more reported and recorded crime on reserves in the program due to increases in manpower to detect it as well as the greater willingness of native communities to report it to Reserve Special Constables, or to report it to OPP regulars under the general influence of the former on native attitudes to the role of the police in their communities.

(3) Municipal Policing of Reserves Adjacent to Municipalities

In situations where reserves are adjacent to municipalities, native policing services may be provided to the former through an agreement with the relevant Municipal Police Forces. The usual arrangement, which is financed by the Department of Indian and Northern Affairs, is for the municipal police force to hire one or more Indians and to provide a 24 hour service to the relevant Band. Such services are presently provided to reserves in Ontario (1), Nova Scotia (2) and New Brunswick (2).

The procedures of selection and recruitment of active police candidates are usually undertaken jointly by the Band Chiefs and Council, and the Police Department. However, ultimate decisions in these matters rest with the Chief of Police who retains an exclusive power of veto. As a member of the municipal police force, the Indian Constable is subject to provincial Police Acts as well as the rules and regulations of the municipal police. The successful candidate

completes a six month training period, graduates from the police academy and completes a one year probation period.

With legal powers of a regular member of the police force, Indian Constables patrol all areas of the reserve which are located within the boundaries of the town. However, they may also be used to police the town when the Chief of Police recognizes a need to do so. According to the 1982-83 budget, the average cost per Indian Constable under this policing arrangement was $35,172.67.

Program Impact

At the time of writing no systematic information was available on the general and specific effects of this program on the policing situation in "municipal reserves". However, it is interesting to note that this particular model of native policing appears to be the standard preferred by the Department of Indian and Northern Affairs for the policing of reserves adjacent to towns.

(4) Transitional Programs: The Cree and Inuit Policing Programs

In 1978, a police program for Cree and Inuit people of Northern Quebec was established as part of the James Bay Agreement. It provides a policing service that, theoretically, evolves from a "3a" to a "3b" native policing option. Briefly, the program is structured in such a way that the Quebec Provincial Police should gradually relinquish administrative and operational control of the program in favour of the Cree and Inuit people, and their representatives, specifically the Band Councils or Inuit regional authorities. However, the program remains under the financial control of the Quebec Government according to the terms and conditions of the James Bay Agreement.

Currently there are approximately 30 officers (15 Cree and 15 Inuit) employed in the Cree and Inuit Policing Program. Once selected and recruited[9] the native candidate is trained at the Quebec Police Academy. The Training program is identical to that given regular Quebec Provincial Police members.

They are hired according to the Quebec Police Act as Special Constables and technically have the legal powers of a full peace officer. However, jurisdiction is restricted to the reserve - usually their own - where they perform their duties under the close supervision and guidance of the Quebec Provincial Police. As the program evolves through its intended phases, the Special Constables will also assume authority on lands which have been designated as Category 2 and 3 under the James Bay Agreement.

Available to any reserve in Quebec, the program is currently used by 5 Cree Indian Bands, while among the Inuit, it operates on a regional basis. At the time of writing, information was available on neither the cost of the program nor its impact on policing issues in the native communites concerned.

Native Controlled Police Programs

"Native controlled" police programs do not imply autonomous native police forces. The term "native controlled" in this context refers to the separation of an "indigenized" police force, responsible for the policing of native communities, from federal, provincial or municipal police forces in matters of police administration and operations, policy strategies and program planning, and management issues. "Native controlled" does not mean that all aspects of police organization and operations are under full control of local native communities or their representives and authorities.[10]

(1) The Amerindian Police Program

Available to Indian reserves in Quebec, the Amerindian Police Program (APP) was established in 1978 with the objectives of:

1. redefining relations between native communities and the Quebec Provincial Police by minimizing the role of the latter in the policing of reserves;
2. promoting crime prevention activities; and
3. maintaining law and order on Indian reserves.

By 1984 there were 72 male native constables providing police services to 20 reserves among 5 Indian tribes or nations. Providing direction, management and supervision of the native police service is the Amerindian Police Council which consists of representatives from each participating Indian Band. The Amerindian Police Service itself consists of a Director and legal advisor (both non-native), three controllers and one analyst, three chief supervisors and 72 native constables.

The selection and recruitment of native constables is the responsibility of the Personnel Controller of the APP Police Service.[11] Although the criteria of selection and recruitment differ from those used by other Quebec police forces the standards that do apply are relatively high with, for example, the average education of candidates ranging from 10 to 12 years of formal education. Native females are not recruited to the program since management considers women to be incapable of physical force, if needed, when exercising police duties on reserves. In addition, there are no facilities for women at the APP's Training Centre.

In some ways, the training of APP constables is unique when compared to other native police training programs offered in Canada. While the formal 20 week training course is similar in content to that provided regular police forces in Quebec the training centre itself is autonomous and staffed by mainly Indian instructors.

The delivery of police services to the reserves is through the Ameridian Police Service management division rather than the Amerindian Police Council (which consists of participating Indian Band representatives). Each native constable is accountable to a Station supervisor who is responsible for police activities at the level of the reserve. Station Supervisors in turn report to one of three Managers who oversee policing operations among groups of reserves (usually 6 to 8 reserves). In more complex policing situations, Headquarters may directly supervise policing. All decisions concerning police administration, operations, policy, program planning and management are the responsibility of the Police Director.

Native constables enjoy full peace officer status under the Quebec Police Act, although jurisdiction is restricted to Indian reserves in the program. They may enforce the Criminal Code, federal and provincial statutes and Band by-laws. However, as a matter of practice, native constables enforce only a few written Band by-laws while enforcement of the Criminal Code appears difficult in most situations. As a result, the Amerindian police place emphasis on patrolling and peace-keeping, concentrating on the enforcement of the provincial highway code, intervention in family disputes, assaults and the investigation of thefts and vandalism (Woods Gordon, 1982: 93-94).

All serious crimes are investigated by the Quebec Provincial Police (FSIN Study, 1984: 22). At the time of their evaluation, Woods Gordon (1982: 72) found that all constables policed native reserves of their nation, while over 90% were posted to their home reserve. Thus there have been few transfers to other reserves, a fact consistent with a general unwillingness to be transfered.

Finally, financial responsibility for the program rests with the federal Department of Indian and Northern Affairs which recorded a cost of $35,000 per constable in 1982-83.

Program Impact

Only one evaluation of the program, conducted by Woods Gordon Management Consultants (1982) has been completed to date.[12] Their final report makes it clear that among the more important expected benefits of the Amerindian Police Program is a police agency whose sole concern is to provide policing services to Indian reserves in Quebec and to meet the specific policing needs of these communities through the deployment of native officers only. One of the anticipated strengths of the program is its emphasis on law and order maintenance, and crime prevention as opposed to crime-fighting and law enforcement. However, the findings of the evaluation lead one to question whether these and related objectives have been achieved. For some critics they imply further program developments along lines that better suit local policing needs and, in particular, raise the level of local involvement in native policing. For others, they suggest more radical rethinking of the program itself.

(a) **Community Response**

The results of program evaluation indicate that the Amerindian Police Program is a significant improvement over previous policing arrangements for some Indian reserves in Quebec. On the one hand, the quality of service provided by the Amerindian Police is reported to be superior to that previously provided by Band police. On the other hand, the Amerindian Police are not only more frequently used by native communities when compared to the use of non-native police but also have reduced the level of non-native police intervention on the reserves. For example, it is reported that 80% of the reserve population currently policed under the program call only the Amerindian Police, especially in cases of fights or theft (Woods Gordon, 1982: 119). Combined with a reduction in the level and frequency of non-native policing, the presence of the Amerindian police on the reserves has apparently minimized cultural misunderstandings and the excessive use of force by police in the performance of their duties. Consequently, it is reported that community members feel better protected under the APP and show greater understanding and respect for the criminal justice system.

Yet these latter conclusions are not entirely consistent with observations on the level of interdependence between the police and the communities they serve. The available evidence indicates that the Amerindian Police experience considerable difficulties in mobilising community support for their operations. For example, 50% of native police officers interviewed reported a lack of community cooperation. More importantly, the level of community cooperation appears to vary with the type of incident or situation.

> Half of our sample mentioned they would not notify the Police if they were informed of a drug network, but 73% would provide the information in the case of a theft (Woods Gordon, 1982: 117).

Interdependence between the police and native communities may also be affected by certain problematic aspects of service delivery. Although community opinion appears to be divided over the issue of the adequacy of police staffing, there is general agreement that native constables are often unavailable, inaccessible or slow in responding to calls for assistance. Furthermore, the poor level of social skills demonstrated by individual officers is closely tied to

community complaints or dissatisfaction with a native police focus on law enforcement at the expense of crime prevention and community relations.

But despite these and other difficulties in the operations of the police, the idea of an independent, native-oriented police agency occupies an important place in the policing concerns of some Indian reserves in Quebec. Indeed, 76% of Band members interviewed opposed elimination of the program on the grounds that this would lead to a deterioration in community order and the "return" of undesired external, non-native police agencies (Woods Gordon, 1982: 50).

(b) Individual and Other Program Benefits

One of the major, positive features of the program is the reportedly high degree of career orientation among Amerindian police constables. In particular, the majority of constables indicated their intention to remain in the program for 20 years or more. This favourable orientation to a life in the force is enhanced by the high rate of promotional opportunities, although these have largely come about through a high attrition rate which has increased from 1.6% in 1978 to 38.4% in 1981-82. While there are significant differences between the salaries of APP constables and members of other, non-native police forces such as the QPP, the evaluators found that most APP constables were generally satisfied with their salaries, benefits and overall working conditions. However, it was also found that the higher the level of employment in the program, the greater the dissatisfaction with individual program benefits such as salaries.

At the level of inter police force impact, it was found that relations between the Amerindian Police and both the Québec Provincial and Municipal Police were excellent, although there are some indications that certain members of the Amerindian Police Service are regarded by other police forces as inferior constables. As indicated above, most policing matters that concern the reserves are left to the Amerindian Police for resolution. Consequently, the workloads of non-native police agencies seem to have been reduced.

(c) Key Issues

Although the Amerindian Police Program may be described as native policing for Natives, considerable confusion has been generated over the roles, responsibilities and powers of the various parties involved in the program.

Band Councils in particular seem dissatisfied with their lack of authority in the administration and direction of the program especially in areas such as work schedules, the quality of policing, and police service management, as well as the absence of mechanisms for community input. Consequently, police Headquarters is perceived by many Natives as authoritarian, while management is viewed as autocratic and too centralized. This situation seems to be exacerbated by the fact that power and decision-making are ultimately concentrated at the level of the Director, a position currently held by a non-native.

While Band Councils appear generally satisfied with the performance of Amerindian Police constables, they are dissatisfied with their lack of quality control in this area of the program. Since there is no involvement of Band Councils at the reserve level in the selection and recruitment of constables, they are unable to effect the recruitment of women which 80% of the reserve population and officers surveyed support. At other levels of quality control it was found that 30% of the Amerindian Police officers were inadequately trained, with 46% of these waiting 1 to 3 years before attending the APP training course. Moreover, the content of the training program was deficient in so far as it gave greater attention to the issues of urban policing as opposed to rural/remote policing where policing needs of native communities are reported to differ significantly.

Once posted to a reserve, Amerindian Constables frequently experience irregular and inadequate supervision from their superiors, as well as inadequate support from Headquarters. No less important is the impact of the job on family and social lives. According to the evaluators of the program, social pressures at this level are significant contributing factors to the high attrition rate among native employees of the program.

(d) **Impact on Crime**

As in evaluations of other native police programs in Canada, the impact of the Amerindian Police Program on native crime on reserves has been difficult to assess accurately. On the basis of available information, the evaluation concluded that little, if any, change had occured in the type and frequency of reported crime, while the level of actual crime remains unknown. Since the establishment of the program arrests, charges, and indictments have risen slightly but imprisonments have decreased. The latter finding suggests that the judicial system may be more lenient with native offenders resident among this particular group of reserves.

At a more general, impressionistic level, there appears to be a greater degree of property security and slight improvements in peace and order on the reserves.

(2) **The Dakota Ojibway Tribal Council Police Program**

This program represents an important step towards alternative policing arrangements for native communities in Western Canada. Established in Southwestern Manitoba in 1978; the Dakota Ojibway Tribal Council (DOTC) Police Program was designed to deliver native police services to 8 Sioux and Saulteaux Indian reserves. The main objectives of the program were to improve the quality of police services to the participating reserves through preventive policing and, therefore, to reduce the involvement of band members in the criminal justice system. In addition to its direct concern with native policing, the DOTC Police Program was also intended as an institution integral to the development of native self-government on reserves.

By 1983, the program had grown from 9 to 24 constables with an increase in the number of administrative staff. Of the total number of constables, 4% (1) was female. Most DOTC police officers are recruited from one of the Tribal Council reserves. All but one police officer are native Canadians and several are Métis (Singer and Moyer, 1981: 48). All applicants are initially screened by the Police Chief and then interviewed by the Police Commission. The educational

qualifications for constables are less stringent than most other police programs. However, the actual qualifications of candidates varies, with educational levels ranging from Grade 9 to some university training. As in other native police programs in Canada, a criminal record will not automatically prevent the appointment of a DOTC police constable.

All DOTC police candidates are required to attend a training program offered by the Regina RCMP Depot. The form and content of the course is similar to that given to RCMP Native Special Constables. Following formal training, the constables are provided informal field training by senior DOTC police officers and the RCMP.

Service delivery is the immediate responsibility of the Chief of Police who reports to a Police Commission. Together with a Deputy Chief, 2 sergeants and an administrative staff, the Police Chief is responsible for the operational management of the force, including administration, program management and other operational procedures. The Police Commission which consists of 14 members including the chief and/or band member from each reserve and one representative each from the RCMP, DIAND and the Manitoba Attorney-General[13] is intended to have ultimate authority in the program and is formally responsible for overall financial matters, program policy and operations control.

DOTC police constable have partial police officer status with jurisdiction being restricted to their assigned reserves. They may enforce provincial statutes, Criminal Code traffic offences, and Band by-laws. In the case of minor Criminal Code offences, investigative responsibility is shared with the RCMP. Serious offences are the sole responsibility of nearby RCMP detachments in terms of investigation and prosecution.

Although evaluations of the DOTC Police Program did not specify that native constables now police their home reserves, it is likely that policing home reserves is a common practice, given the high number of constables who are recruited from Tribal Council reserves.[14]

According to figures for 1982/83, the average cost of the program per constable was $40,000. These costs are shared between the Federal Department of Indian and Northern Affairs and the province of Manitoba, with DIAND providing most of the funds.

Program Impact

The DOTC Police Program has had a particularly troubled history. In 1980, the Chief of police was fired and all the program's constables resigned. Although the program was re-instituted in 1981, it has continued to suffer serious difficulties and problems, especially at the levels of administration, operations and funding. These key issues, along with other areas of program impact are discussed below.

(a) Community Response

When the program was first established, community support for the DOTC police was minimal. For example, many reserve residents were reluctant to call upon the DOTC constable for assistance. Although this situation has improved in recent years, community dissatisfaction with the police service has continued to focus on the low visibility and inconsistent or too lenient enforcement practices of the police (especially with respect to driving and liquor offences) as well as the problematic status of constables posted to their home reserves. It would appear, however, that an increase in the acceptance of the program by reserve residents[15] is closely tied to the local impression that the DOTC police fulfill a unique role in the native community.

The perception of the DOTC constable as performing a multi-purpose role[16] consistent with the cultural characteristics and policing needs of the reserves has apparently led to:

(1) increased respect for DOTC officers as reserve police;

(2) greater utilization of the DOTC police compared to the use of RCMP services;

(3) a high value assigned to an on-reserve Indian police force that concentrates on methods of informal justice.

However, the emphasis on informal justice as practiced by the DOTC police has not, contrary to initial expectations, led to unequivocal improvements in the quality of reserve life.

As Singer and Moyer (1981: 20) point out,

> There is no evidence that the quality of life on the reserves has changed as a result of this practice by the DOTC Police.

It is perhaps for this reason, among others, that Band Councils remain uncommitted to the program (Singer and Moyer, 1981: 10).

(b) Individual and Other Program Benefits

One of the major benefits of the program from the point of view of the police has been the level of cooperation between the DOTC police and the RCMP. Their frequent interaction and mutual assistance in the policing of reserves has led to a reportedly good working relationship and a more efficient division of labour between the two police agencies. However, more recent evidence suggests that RCMP workloads have not decreased as a result of these inter police force impacts (Social Policy Research Associates, 1983: Appendix D, Part II, p. 20).

The status of the individual officer is somewhat more ambiguous and problematic in the DOTC Police Program when compared to other native police programs in terms of career orientation and job satisfaction. Only a few constables wish to make a long term committment to policing within the program. Others join the force in order to be a police officer (on a short-term basis), provide a service to the community, or take advantage of the attractive salaries.

(c) **Key Issues**

According to evaluation reports, the more serious problems associated with the program pertain to the organizational status of the program and the issue of program funding.

The absence of a clearly defined and articulated division of responsibilities between the Police Commission and Police Chief has led to a number of severe difficulties at the level of program administration and operations. For example, overlap between them has resulted in considerable confusion over policy formulation. Combined with the gratuitious interference of the Police Commission in operational matters, this has resulted in fuzzy operational guidelines and beyond that poor levels of officer supervision. Similarly, at the level of police recruitment, Police Commission appointments are not always consistent with the recommendations of the Police Chief. Consequently, the program has experienced low levels of quality control. The issue of quality control in turn appears to be a factor in the high attrition rate continually suffered by the program.[17] With a turn-over of 63% during a 3 year period of operation, the problem of attrition appears to have seriously affected the stability and credibility of the entire DOTC Police Program. Although not as serious a problem as the attrition rate, the quality of service delivery was reported to be lowered by manpower shortages that resulted in fewer patrols and less police visibility and inadequate attention given to community relations and crime prevention strategies. In addition to these issues, the provision of more formal instruction by the RCMP, better in service training and improvements in administrative and practical skills were cited as areas of concern.

The adequacy of program funding is a controversial issue. There is, first of all, the reality of the high per capita costs of service delivery. In 1982-83, the operating budget for the DOTC Police Program was $646,000 with a forecast deficit of $154,000 (Social Policy Research Associates, 1983: Appendix D, Part II, p. 5). However, opinion is divided over the issues of underfunding or financial mismanagement. According to Singer and Moyer (1981: 37) acquisition of funds has been frustrated by the absence of long term funding committments by funding agencies. Thus the structure of funding for the program restricts

opportunities for long term planning. However, staff at the RCMP's Criminal Investigation Branch in Winnipeg argue that current levels of funding are adequate (Social Policy Research Associates, 1983: Appendix D, Part II, p. 5).

(d) Impact on Crime

To date, no firm conclusion can be drawn with respect to the impact of the program on native crime. Commenting on the possibility that the program may have an effect on native involvement in the criminal justice system, Singer and Moyer (1981: 113) note that

> ...there is tentative evidence that there was an overall decrease in the number of band members who have become involved in the justice system since the DOTC Police began.

Using incarceration rates as their measure of program impact, they hasten to add that

> ...it is impossible to attribute this change directly to the DOTC Police because of the many intervening variables which can potentially affect incarceration rates (Ibid, 114).

They suggest, for example, that fewer charges laid by the RCMP could have reduced the incarceration rates, DOTC Police emphasis on informal justice could have reduced conviction rates or there may have been less crime on the reserves. Alternatively, a reduction in crime might be linked to improved social conditions, the style of on-reserve policing or to the out-migration of deviants (Ibid).

At any rate, the program does not appear to have had a negative impact on levels of crime and disorder on the reserves as community members, their representatives and RCMP officers gave no indication that reserves are more violent, disorderly or unsafe since the program was established (Ibid, 111).

(3) Band Constable Police Program

The initial model for native-controlled policing on reserves is the Band Constable Police Program. Established by the DINA-issued circular No. 55 in the 1960's, the program was designed to provide locally-controlled police services

that would deal primarily with civil matters, including the enforcement of Band by-laws.

In 1982-83 there were 131 Band Constables serving native communities in all provinces and territories except Newfoundland, Prince Edward Island , British Columbia and the Northwest Territories (FSIN Study, 1984: 30). Selected by Band Councils, police candidates attend a two week training course sponsored by the federal Department of Indian Affairs. Service delivery is the responsibility of the local Band Council to whom the constable is accountable. Previously, Band Constables were certified as supernumenary constables by the RCMP; at present, they are appointed by the province concerned. As a result, both legal powers and jurisdiction of Band Constables are restricted to the enforcement of Band-specified by-laws.

Financial responsibility for the program rests with DIAND whose operating budget in 1982-83 amounted to $2,024,774 with an average cost per constable of $15,515.51.

Local level accountability of native constables to native communities combined with financial arrangements that exclude the involvement of provincial governments seem to be the main reasons why this program has continued to grow throughout the country. However, the program continues to suffer from a number of structural constraints. On the one hand, there is no systematic approach to training, and in some areas the limited training course is not available. In these situations, many Band Constables are required to police the reserves without proper, formal training. On the other hand, extremely low salaries lead to a high turn-over rate while a poor infrastructure (e.g. inadequate equipment and facilities) and severely limited authority would seem to restrict police effectiveness and efficiency, and preclude the delivery of more comprehensive police services to the community. Currently, no information is readily available concerning the response of the native community to the program or the impact of the program on native crime and deviance.

(4) The Kaknawake Mohawk Peace-Keepers

Since its inception in 1968, this native police program has undergone nominal as well as functional changes. Presently, program emphasis is on crime prevention and the maintenance of order and peace on the Kaknawake reserve. A one-time participant in the Ameridian Police Program, the Kaknawake police agency withdrew its membership following a dispute over authority and enforcement issues and was later reborn, following a Band resolution, as a "peace-keeping force".

The local Band Council has not acknowledged that the Quebec Government has any jurisdiction on the reserve in policing and other matters. The Kaknawake police are sworn by a Justice of the Peace under the Indian Act, while a court decision has determined that the reserve police are peace officers, as defined in Section 2 of the Criminal Code. Consequently, the Kakanawake police have full peace officer status and may enforce federal statutes, including the Criminal Code, and band by-laws on the Kakanawake reserve. Currently, the police department comprises a chief, 11 peace-keepers and four administrative staff who report to a Police Committee established by the Band Council. Funding arrangements are the responsibility of the federal Department of Indian and Northern Affairs.

Despite its apparently unique status among native police programs in Canada, especially with respect to an allegedly high level of training, as well as modern facilities and equipment, the Kaknawake police program has been neglected by systematic research and evaluation.

(5) The Blood Tribal Police Program

Paralleling the form of arrangements that established the Ontario Indian Special Constable Program, the Blood Tribal Police Program was created by a tripartite policing agreement between DINA, the province of Alberta and the local Indian Band Council.

> Basically, it was established as a pilot project to demonstrate the feasibility of developing a tribal police force to a standard comparable to a municipal police force (FSIN Study, 1984: 33).

Administratively, the Blood Tribal Police Program is similar to the DOTC Police Program since it involves representation by Band Council, the RCMP, the Solicitor General of Alberta and DINA.

The selection and approval of police candidates are initially the responsibility of the Police Commission. Once recruited, candidates submit to a 6-month probation period during which time they handle minor offenses on the reserve. Following probation, they are required to attend a 15 to 16 week basic training program offered by the RCMP and identical to the course provided RCMP Native Special Constables. After completing basic training they undertake six months field training under the supervision/administration of the RCMP.

Similar to the DOTC Police Program, a Police Commission directs the administration of the Police Force. The Police Commission consists of 5 voting members including 2 Band Councillors, a senior RCMP officer, an official from the Alberta Solicitor General and a representative of DINA. However, unlike the DOTC Police Program, their roles and responsibilities are reported to be clearly separated from those of the Police Chief who is provided a clearly defined contract that safeguards both his authority in the program and job tenure. Significantly, while this administrative structure was designed to avoid "undesirable aspects of Band politics" (FSIN Study, 1984: 33) it also places native Commissioners in a minority.

Program constables have full peace officer status under the Alberta Police Act since they are appointed by the Solicitor General of Alberta. However, more serious offenses are the responsibility of the RCMP.

Funding for the program is shared by the Blood Tribal Council and DINA as follows:

Item	Funding Agency	% Total Cost
Training	DINA, Canada Manpower	100%
Administration/Operations	Band Council DINA	60 - 80% 20 - 40%

Although reports indicate that the program is successful (e.g. FSIN Study, 1984: 34) no program evaluation has been conducted to date.

(6) Louis Bull Police Program

The Louis Bull Indian Band of Alberta has recently employed 8 people who have been appointed provincial special constables under section 38 of the Alberta Police Act with limited jurisdiction. Interestingly, there are two unique features of this native police program. First, some members are fully trained and experienced police officers, having been employed previously by the RCMP, Ontario Provincial Police or the Edmonton City Police. And second, the Band has yet to establish the program as a police service with full status police officers empowered to enforce federal and provincial legislation or band by-laws.

(7) Saddle Lake Tribal Police

The Saddle Lake Tribal Police was established in 1976 on the Saddle Lake Indian reserve. Since its inception the objective of the program has been to gain complete and recognized native jurisdiction over all public and safety matters and to maintain law and public peace on the reserve. Appointed through the Solicitor General's Department of Alberta, tribal constables have been given temporary appointments as supernumerary constables under the RCMP Act from which, along with the federal Indian Act, they derive their authority.

In practice the authority of tribal constables is very limited since they may not enforce provisions of the Criminal Code. Similarly, tribal police jurisdiction is narrow in scope which, along with limited policing powers, has created

frustration within the Police Department, and adversely affected service delivery and the status of delivery agents in the native community.

> For example, if a resident reports an accident to tribal police, they must call the RCMP. Although Tribal Police will respond to the call, it is out of their jurisdiction to file an accident report. Since RCMP have such a large area to cover, their responses to a call is slow. This often creates resentment and criticism of Tribal Police (Saddle Lake Tribal Justice Centre, 1985: 49; cf. FSIN Study, 1984: 35).

In contrast to these issues, the material support for Tribal Police operations appears to be satisfactory and in good working order.

The major problems experienced by the Tribal Police have been delays in appointments that interfere with the performance of police duties, limited jurisdiction and, until recently, the lack of training opportunities for native police in Alberta. As a corrective to the latter two issues, the Tribal Police have taken steps towards the establishment of a training program designed for Indian reserves and meeting the physical and technical standards recognized for peace officers (Saddle Lake Tribal Justice Centre, 1985: 49-50).

Summary Conclusions

Policies that promote indigenization of the police are based on the assumption that native police officers may be able to bridge cross-cultural differences between Natives and the police and, therefore, improve upon the relationship between native communities and the criminal justice system. In Canada, police services for some Indian and Inuit communities are being provided under a variety and number of indigenized, organizational alternatives that include native and non-native controlled police programs. However, their cirtical institutional arrangements are all pre-defined in terms of dominant Western-urban models of policing. This factor appears to have far reaching social, cultural and political implications for the status of policing in native communities. Research and evaluation have revealed certain difficulties in program implementation, administration and operations that reflect unresolved policy, program and enforcement differences between Natives and non-natives. These issues draw attention to both the environmental constraints on policing in

native communities and the limitations of indigenization as a comprehensive approach to native policing in Canada.

International Native Police Programs

An important source of information relevant to the development of native policing programs in Canada are studies conducted in other countries that concern the status of policing arrangements for their native populations. These other situations may serve as guides for research, analysis and policy decisions. However, in drawing on parellel situations we are not bound by particular policing programs. Rather our concern is to assess their implications for native police programs in Canada.

The basis for cross-cultural comparisons requires brief comment. Although there are obvious cultural differences between North American and Oceanic peoples, the Aboriginal inhabitants of the United States, Australia and New Zealand, like Canadian Natives, have resisted, to varying degrees of success, total cultural assimilation to their respective mainstream, non-native societies. As in the Canadian situation, the specific policing problems and needs of these native communities, which flow from their different social, cultural and political circumstances, have lead their respective national and/or regional governments to reconsider and develop policing arrangements that are more consistent with native conditions. In the following discussion we shall examine to what extent international native policing policy and program objectives have been accomplished and, where possible, assess their consequences for the communities concerned.

Native Policing in the United States

American Indians occupy a unique position in the comparative study of native policing since the recognition in American common law of inherent internal sovereignty among Indians provides for a more systematic approach to the administration of justice on Indian reservations.

The cornerstone of native policing in the United States rests on a delicate balance between tribal and federal/state criminal jurisdictions. Within this wider jurisdictional framework American Indian policing arrangements assume a variety of forms that reflect variations in community policing conditions, problems, and needs from reservation to reservation. Some Indian communities with a substantial budget, firm economic base and large geographical areas to patrol use tribal police. In other cases, police services are provided directly by the Federal Bureau of Indian Affairs. Still other Indian communities assume police functions with the assistance of grants from federal agencies, or contract for services of external law enforcement agencies such as city of county police departments.

Tribal Police

Unlike Canada, Australia and New Zealand, tribal police forces have been in existence in the United States for many decades. Formally, a contractual agreement is reached between tribal government representatives and the Federal Bureau of Indain Affairs for tribal police services which are then financed either exclusively by federal government departments or more frequently nowadays in terms of tribal/federal cost-sharing agreements. The objectives of most tribal police programs are to regulate the internal affairs of the tribe through law and order maintenance and miscellaneous social service functions. Since they are not federal police officers, the authority and jurisdiction of the tribal police are limited, usually to the reservation (but see below). Also, fourteen major or serious Criminal Code offences committed on the reservation are handled by external police agencies. However, federal intervention on the reservation is often tempered by cases that are integral to the internal affairs of tribal governments. Thus, a tribe with a functioning criminal justice system, (e.g. tribal police, courts, etc.) has concurrent jurisdiction over fourteen major, serious offences as well as exclusive jurisdiction over any other offences committed by Indians on tribal territory.

In other situations, the more restricted powers and role of the tribal police may be put to good use in major criminal investigations. For example, tribal police

> ... almost always discover the crime, interview the initial and best witnesses, and know the personalities and circumstances involved. Their role is one of continuing assistance throughout the entire case and every other agency is dependent upon them for its information and understanding of the case. Their recommendations are respected, particularly by the decision-makers above them in the prosecutorial role since their evaluation of the seriousness of the crime and its likely impact on the community is usually very accurate (Deloria and Lytle, 1983: 184).

As in most Canadian native police programs, American Indian police candidates undertake mandatory training at both formal and informal (in-service) levels.

> Tribal officers may attend local state academies for basic and other training. They also have the option of attending the U.S. Indian Police Academy, located in Brigham City, Utah, which is the required academy for BIA police officers (see below). Three basic academies are scheduled each year. Each basic acadmey encompasses 572 hours of training including one week of training on Indian (traditional) law. The academy also provides other regularly scheduled training sessions for first-line supervisors, and firearms instructors, and conducts field training sessions (Nash, 1984: 28).

However, not all tribal governments or reservations have the capacity or the inclination to provide police services for their communities. Under these circumstances, the Bureau of Indian Affairs (BIA) will provide the reservation with an Indian Police Force.

The BIA Indian Police

Historically, the BIA Indian Police traces its origin to the native police force described by Hagan (1966; see beginning of this chapter), which was created by American federal authorities in the 1880s with the purpose of replacing native systems of social control and authority with non-native systems. The BIA Indian Police are employees of the Department of the Interior and therefore are accountable to the agency superintendent and not to

tribal authorities on the reservation. Their legal power and jurisdiction are wide in scope since they may deal with Criminal Code and other federal offences, state offences, and tribal offences committed by Indians and other Americans alike.

Unlike most tribal police forces, the Law and Order Branch of the BIA has a paramilitary orientation to policing, with an emphasis on enforcement rather than on the peace-making functions of a police officer. Not surprisingly, it prefers additional weapons training to courses in community relations or training in methods of inter-personal reconciliation (Deloria and Lytle, 1983: 185).

Contract Policing of Indian Communities

For some small-scale Indian communities located on the American equivalent to Canadian Crown Land and whose resources are insufficient to support a separate, tribal police service, a preferred policing option is to contract police services with the city or county law enforcement agencies either directly or indirectly through the BIA.

> Under these contracts, a local law enforcement agency is compensated to provide enforcement services in the Indian community and its personnel are commissioned to enforce such tribal or federal laws as are required (Nash, 1984: 27).

Problems in Policing American Indian Communities

Despite the apparent flexibility of American Indian policing arrangements, efforts to secure adequate, efficient and effective police services for Indian communities are often frustrated by the practical and structural dimensions of a broad-based native policing system.

This system is built on a multiple-agency approach to native policing that, while encouraging Indian participation, responsibilities and authority, also reinforces and perpetuates multiple and divergent interests in native policing.* More importantly, Indian concerns regarding the quality of justice administration in their communities are often filtered out through successive levels of bureaucracy. A case in point is the "decentralized" structure of the Law and Order Branch of the BIA.

> While the branch chief is in Washington, he or she has little control over the conduct of the special officers in the field. The agency special officers are responsible to the agency superintendents on the reservations and not the chief of the branch in Washington. Hence the chief cannot issue directives or enforce regulations without working through the agency superintendents. The branch cannot discipline the special officers nor does it even control its own budget. It might be argued that, given the variety of Indian tribes, decentralization of power in the hands of each reservation agency superintendent is desirable. But a larger problem remains. The agency superintendent is not a law enforcement officer nor does he or she possess the necessary training to fulfill this function. Ultimately, this arrangement places the key law enforcement decisions in the hands of a layperson, who is often more interested in preserving the facade of law and order than in the administration of justice. (Deloria and Lytle, 1983: 185).

Equally problematic is BIA emphasis on an adversarial as opposed to peace-making approach to native policing which tends to create confusions in definitions of the police as well as resistance to their role/functions in Indian communities. Significantly, the philosophy and practice of an adversarial approach to policing may also extend to reservations with tribal police forces. This is especially likely when FBI agents unfamiliar with Indian cultures and unsympathetic to the situation of native offenders participate in criminal investigations on the reservation (Deloria and Lytle, 1983: 185-86; see also Holm, 1982).

In addition to these policy issues, another problem emerges that has significant implications for the consistency and regularity of police services in native communities. Wherever native and non-native territories are contiguous, jurisdictional overlap and the problems this creates inevitably arise. In an

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* As a result, non-native priorities may (and frequently do) take precedence over Indian concerns at the level of reservation policing.

attempt to resolve the difficulty, American authorities instituted the practice of cross-deputization where police officers of different jurisdictions are empowered to act on behalf of one another. There are a number of expected benefits from this arrangement. First, it takes into account the limited resources and facilities available to some tribal police. Secondly, it provides a mechanism by which Indian tribes can maintain their cultural integrity as an extension of viable tribal police institutions. And thirdly, it assures tribal, state and federal authorities of a means of enforcing their respective laws. Yet cross-deputization appears more promising in theory than in practice under present policing environments in the United States. Deloria and Lytle (1983: 198-88) note that

> Cooperation between the two governmental authorities has not been good. Sometimes only one of the governmental units is willing to cross-deputize. On some reservations the tribal police are ill trained and this lack of expertise concerns state authorities. From the tribal perspective, many state law enforcement officers are insensitive and hostile to Indians and this attitude gives tribal authorities reason to pause.

These and other jurisdictional issues (e.g. hot pursuit, implied consent, extradition) have yet to be resolved at the level of practical policing and (in some cases) at the level of institutional arrangements among American Indian reservations and neighbouring, non-native communities.

Native or Aboriginal Policing in Australia

Like their North American counterparts, Australian Aborigines and Torres Strait Islanders have been subject to the extremes of over- and under-policing by non-native police agencies. On the one hand, Aborigines are often under constant surveillance by State, Territorial and/or municipal police and are more frequently arrested, charged and incarcerated for minor and, in many cases, trivial offences and behaviours than are non-Aboriginal Australians. On the other hand, the policing needs of aboriginal communities often remain unsatisfied. As a result, police/aboriginal relations have suffered and in the process the integrity of aboriginal cultural identity and community survival have been undermined, severely threatened or destroyed (Ronalds, Chapman and Kitchener, 1983).

In an effort to resolve the "aboriginal policing problem" a variety of policing models have been developed within particular Australian states and territories that are intended to facilitate Aboriginal participation in the policing of their communities and strengthen aboriginal cultural forms. The most widely practiced policing models fall within the realm and authority of non-aboriginal government agencies and include the following types:

(1) Reserve police;

(2) Police wardens;

(3) Police aides; and

(4) Regular State/Territorial Police.

Reserve Policing

Reserve policing in Queensland dates back to the mid-1800s and was designed, like the BIA Indian Police, to supplant Aboriginal systems of social control. In view of this historical background, the state of Queensland has pioneered a concept of self-contained police stations on Aboriginal reserves which appears to be unique in Australia.

Here police stations are self-contained in the widest sense of the term. The police department is staffed by senior and junior police officers and employs approximately 10 Aboriginal police recruited from the local reserve. Well-qualified Euro-Australian police officers recruit, train and ultimately supervise Aboriginal police candidates on the reserve. Significantly, recruitment standards tend to emphasize an individual's social position in the aboriginal community rather than other, more formal criteria such as education.

Unlike the non-Aboriginal police assigned to the reserve police station, Aboriginal police are not members of the Queensland Police Force nor do they take the Oath of Allegiance. While their authority and powers are derived from the state government, they are restricted to the reserve. The main role of the Aboriginal police is to bridge the cultural differences between European and Australian aboriginal cultures, and in particular, to assist the latter in understanding European concepts of law and order. At other times they may deal with infractions of the Aborigines Regulations and reserve by-laws, and attend to prosecutions in the Aboriginal Court (Macdonald, 1978: 24).

Although their jurisdiction is restricted to minor offences, the existence of Aboriginal Courts on the reserves theoretically provides a measure of support for the actions of Aboriginal police and increases the scope for Aboriginal participation in the institutions of the Australian criminal justice system. Significantly, these courts are staffed by Aborigines who are encouraged to conduct legal proceedings in a style that is consistent with elements of traditional Aboriginal culture. However, practice is often inconsistent with theory (B. Morse, personal communication). Furthermore, the power to assign cases to the Aborginal Courts is held by the senior, non-Aboriginal police officer in charge of the reserve police station, while all cases are ultimately subject to review according to the provisions of state statutes.

Some reports indicate that the reserve police station functions well in view of its original objective to maintain law and order on the reserve, especially after Aborigines were granted drinking rights in 1968. Where access to alcohol leads to alcohol abuse and alcohol-related offences, the presence of reserve police stations in some areas has apparently diminished the incidence of violent and anti-social acts and has served a general, supervisory function within the community. In addition, it is claimed that

> ... the local residents of the reserves have now come to know the police officers at a more approachable level ... the police have become an everyday sight in the community, dealing not only with the wrong-doer but also being of assistance and a friend as is the case in formal police/community relations (Macdonald, 1978: 22).

Yet one might reasonably ask if the increased Euro-Australian presence in the aboriginal community has itself been perceived by community members as another form of over-policing by non-Aborigines. While it is claimed that Aborigines "appreciate the benefits" of this police service, the evidence suggests that they also deeply resent it, a situation that recalls the relation of "hostile dependency" between some Canadian Natives and the police. For example,

> Quite often the reserve police are the subject of threatening-type assaults (curiously without effect) accompanied by dissertations on their legitimacy, alleged sexual relations with aboriginal women, etc. However, after the effects of alcohol have worn off they treat the officer with genuine respect and apologize for their offensive behaviour. These residents are quite often the better-types of the community and their behaviour under the influence of alcohol is quite out of keeping with their normal standard of behaviour (Macdonald, 1978: 23).

Thus, it is not unreasonable to argue that under the influence of alcohol, some Aboriginal "back-stage" behaviours become "front-stage" behaviours and in the process expose the underlying tensions between Aborigines and the police (cf. Smith, 1975; Vallee, 1967, 1971).

Police Wardens

A far more limited police role assumed by some Aborigines in South Australia and the Northern Territory is that of the Aboriginal Warden. It would appear that the Warden simply supplements the activities of regular, non-Aboriginal police by providing services in the absence of the latter. As a result, they appear to comprise a "back-up force" that may be distinguished by a special hat and hatband (Gunter, 1984: 91).

Police Aides

The institutionalization of police aides has taken place in Western Australia. As part of, but not members of, the regular police force, Aboriginal police aides

> ... assist in the administration of the police station and carry out arrests in the aboriginal community. They also operate in general liaison with the community (Gunter, 1984: 95).

However, a major problem with this policing arrangement is the identification of the aide, by the members of the aboriginal community, with the police. As a result, the poice aide is not considered to be a member of the aboriginal community. Therefore, community members are reluctant to acknowledge the aide's policing responsibilities or authority especially if they appear to exceed those of the local, Aboriginal Council. A similar problem occurs with a variation of the police aide known as the police "tracker" in the Northern Territory. Outfitted in an apparently non-descript uniform, the police tracker is a full-time employee of the police station and assumes duties and responsibilities that parallel those of the police aide.

Regular State and Territory Police

Western Australia and the Northern Territory also provide opportunities for Aboriginal people to join regular state or territorial police forces. However, Aboriginal police officers are subordinate members of the police force. Although

the relevant information was unavailable at the time of writing, one might also assume that their authority and legal powers are limited accordingly.

Other Policing Options

The literature on aboriginal policing also indicates that a number of "autonomous" methods of aboriginal policing are currently in operation in Australia. These include elected policing councils, kin group-based security forces and elected "Ten Man Committees" which carry out policing functions on reserves (Kirby, 1981: 19). In the absence of relevant information we can provide no further comment on these approaches to policing aboriginal communities. However, it is likely that these "automonous police forces" provide only a limited range of police services to aboriginal communities. In this sense they would not meet current aboriginal aspirations for greater control and authority in policing matters at the community level. According to Gunter (1984), for example, the preferred policing model in Central Australia and the Kimberleys is one that reflects tribal constitutions in cultural, social and political terms. There is a desire for "real aboriginal police" who are aborigines, who understand the constraints of kinship and other tribal responsibilities and who are appointed by the tribal council to carry out police functions in a way that would be recognized by the "European" community and the common law system (cf. Keon-Cohen, 1981). Under these conditions it is suggested that police duties would be directed by the needs of the community but at the same time would not necessarily be constrained by the biases of community social and political structures.

It is recognized by many Aborigines that the police must have at their disposal the means to "transcend community rules" when these are likely to interfere with the administration of justice.

One possible strategy in this context of service delivery is the American idea of cross-deputization. At present, it is not clear to what extent both Aborigines and Euro-Australians might wish to move in this direction. Current forms of cooperative policing relationships between these different groups seem

to be limited to liaison committees also attended by Aboriginal Legal Aid Services. Here common problems may be discussed and "indiscretions" on the part of regular, non-aboriginal police brought to public attention and, hopefully, corrected. But some authors have raised serious doubts about both the role of liaison committees in structuring relations between the police and the aboriginal community and their potential for alleviating policing grievances. Kirby (1981: 17) suggests that often the police do not regard liaison committees as appropriate forums for the airing or solution of complaints whereas Aborigenes often regard this to be their primary function. Mansell (1984: 116) argues that there are other inherent dangers to these structured encounters.

> Quite often the delegates become overfamiliar with each other and issues take on a personal characteristic making it difficult for both sides to remain objective, and often (senior) police officers (who have not been privy to the meetings) have the final say over recommendations arising from these discussions which undermines the whole purpose for these liaison arrangements.

Some institutional and professional solutions derived from the non-aboriginal world may fall decidedly short of either group's original expectations to resolve the "aboriginal policing problem". More importantly, they deflect attention away from aboriginal community methods of social control that might be incorporated into a police program. Aborigines themselves have suggested alternative intervention mechanisms and "policing" institutions that are part of an on-going community life. Ritual re-socialization via initiation rites and other ceremonies are particularly favoured in more remote aboriginal communities as preventive measures. While these particular approaches are usually sacred affairs and, therefore, beyond non-aboriginal participation and intervention, they do not exhaust the range of opportunities for participation and cooperation across cultural boundaries. Some responses to deviance involve both aboriginal and Euro-Australian justice systems. Significantly, Australian magistrates have supported the role of traditional instruction (through myth and oral tradition) in re-creating the aboriginal heritage as a preventive "policing" and rehabilitative mechanism. As Gunter (1984: 104) suggests these more traditional, aboriginal approaches to social control may be far more effective than their non-aboriginal counter-parts under certain social and cultural conditions.

Native Policing in New Zealand

According to the most recent and available information, the Maori warden system represents the least professionalized and most community-oriented policing service in our cross-cultural comparison. Created by the Maori Community Development Act in 1945, the warden system was established as a preventive "policing" service with a particular mandate to intervene in cases of Maori abuse, or suspected abuse, of alcohol.

Maori wardens are nominated on the basis of their socio-religious status in the Maori community. The recruitment strategy is designed to reflect traditional Maori values of leadership and to secure the support and respect of the Maori community, especially through kinship and personal ties. Wardens traditionally receive no formal training but informal, in-service training is provided by seasoned wardens.

Wardens may be distinguished from regular police in New Zealand since they tend to concentrate on social service functions to the exclusion of crime-fighting and law enforcement. Indeed, as Metge (1976) notes, there was not, originally, any intention to make the warden system into a secondary police force let alone a primary one. However, they may provide crucial assistance to regular police agencies under a variety of circumstances.

The activities of wardens appear to be most effective in rural areas where they tend to be legitimated on the basis of the warden's social status in the community. While urban "policing" tasks are considerably more difficult because of the more tenuous social links between wardens and the urban Maori population, the wardens appear, nevertheless, to be a valuable resource in dealing with urban policing issues where Maori are involved.

> Government agencies have given due recognition over the past year to their aid and have called on their services on numerous occasions. This has been shown in several instances where their knowledge of (Maori traditions) has resolved confrontations between Maori and police and other authority figures. Their ability to communicate and mediate in tense situations lead to peaceful resolutions to conflict situations (Government of New Zealand, 1984: 11).

As an adaptation to urban policing, Maori wardens have acquired uniforms that identify their status as peace-keepers. In addition, they have adopted an informal ranking system based mainly on length of service.

While Maori wardens continue to play a prominent role in the Maori community, a number of criticisms have been directed at the warden system. For instance, the very existence of wardens has been challenged by many Maori as discriminatory since wardens have the power to subject Maoris to controls — especially those concerned with alcohol — not usually applied to non-Maoris. Furthermore, urban wardens have been criticized for wearing uniforms and, in particular cases, for working too closely with regular, non-Maori police, and exceeding their authority as peace-keepers. Finally, it may be pointed out that the narrow scope and authority of Maori policing duties preclude the provisioning of more comprehensive policing services by Maoris for Maoris that are in demand among many Maori communities. However, as a result of the changing needs of the Maori population, a review of Maori wardens' roles, responsibilities, functions, supervision, training, appointments, and re-appointments is to be undertaken which, it is expected, will lead to improvements in Maori policing services for Maori communities (Government of New Zealand, 1984: 11).

Summary and Conclusions

Developments in native policing are guided by general policy orientations that place native policing issues within the broader context of native culture and community. Research findings indicate that many difficulties encountered in the policing of native communities by non-native police stem from cross-cultural differences in justice concepts, values, beliefs, norms and general lifestyles. As a result, various governments have pursued a common policy strategy that provides for the indigenization of police forces. By emphasizing the status and role of native police officers and personnel in the policing process, it is frequently assumed that cross-cultural controls for understanding, discretion and justice in the policing of culturally distinct native communities can be established at levels that significantly improve the quality and acceptability of police services and their delivery agents, and reduce the risk of Natives entering

the criminal justice system. However, international comparisons of indigenized policing demonstrate the difficulties and complexities inherent in the application of urban, non-native police models to native communities.

While the general trend is to provide native communities with police services comparable to those provided by larger municipal, provincial, state or territorial police forces, the cross-cultural constraints of native policing have led to certain modifications, adaptations and adjustments in institutional arrangements. In some cases, as among some American Indian and Australian Aboriginal reserves, this has meant a closer integration of native police services with "native-oriented" justice systems that include native personnel and tribal or reserve courts. In other cases, such as the New Zealand Maori warden system and the Aboriginal reserve police stations in Australia, changes have included promoting certain native criteria in the definition of native police and police resources. However, these concessions all entail restrictions on the scope, standards and powers of native police and policing along the jurisdictional dimensions of persons, territory and subject matter. And, in the final analysis they do not affect the power of the Western-urban police model to shape crucial institutional arrangements that focus on issues of policy, decision-making and policing priorities. Thus, redefinitions of the model for the purposes of native policing do not substantially affect non-native control over the administration of justice in native communities. More importantly, the social, cultural, political and legal implications of providing police services that more directly and completely reflect the policing needs, preferences, priorities and traditions of native communities may be blunted or kept to a minimum. These possibilities, therefore, raise the general issue of whether justice can be achieved in some native communities under such policing conditions.

FOOTNOTES

1 From a more theoretical perspective, Jayewardene (1980: 46) argues "the attribution of cultural differences to minority groups forces them to be put into the "they" or "criminal" category of the police dichotomous division rather than into the "we" or "respectable" category. With this categorization, minority groups are seen as being prone to a criminal way of life with a special predeliction to violence, calling for pro-active police intervention. The adoption of a pro-active pattern of enforcement forces the attention of the police to be focused on behaviour that would normally be ignored in the case of those falling into the "respectable" category and with it is associated a high probability of misinterpretation ... the situation of the Eskimo (is a case in point). Allegedly prone to violence, their consumption of alcohol is translated into violence through a conceptual framework linking the one to the other. (Police) intervention swelled the crime statistics and made the Native peculiarly criminal".

2 It should be remembered, however, that Band Councils are responsible to the Federal Department of Indian Affairs.

3 And in particular reserve Indians and Inuit.

4 Institutional standing refers to the symbiotic relationship between an institution and its publics" (Marchant, 1985: 22).

5 The increased workload may, however, be redistributed among Native Special Constables where appropriate.

6 Significantly, when Native Special Constables convert to regular Constable status their liaison role with the native community diminishes (FSIN Study, 1984: vii).

7 The majority of Native Special Constable in Saskatchewan, for example, are posted within their own tribal grouping. They could, of course, transfer to other areas outside their own cultural-linguistic group under certain conditions. But such a policy or practice would seem self-defeating given the nature of their role as a cultural mediator between the police and culturally specific native communites (Social Policy Research Associates, 1983: Appendix A, Part II, p.15; Van Dyke and Jamont, 1980:69).

8 These include Harris (1977) and Social Policy Research Associates (1983 a, 1983, b).

9 No information was available at the time of writing on how this process is conducted.

10 The term "native controlled" is used in this report then not for technical reasons but as a matter of convention.

11 However, Band Councils approve candidates selected by Headquarters.

12 A more restricted study of the Amerindian Police Service was conducted by Pierre Dubois et Associés in 1979. (See Woods Gordon, 1982: 48-49).

13 Ex-officio members include representatives of the Four Nations Confederacy, The Solicitor General of Canada and the Manitoba Police Commission (Singer and Moyer, 1981: 29).

14 Singer and Moyer (1981: 9) note, however, that many constables were posted to their home reserves when the program was reintroduced in 1981. See below.

15 As measured by a decrease in DOTC constables' complaints about reserve residents' acceptance of them (Singer and Moyer, 1981: 51).

16 Expected DOTC police functions include peace keeping and the maintenace of law and order, as well broadly-based social services that include dispute crediation and conflict resolution at the interpersonal level and miscellaneous activities such as "taxi or ambulance driver, alcohol or social worker, and dog catcher" (Singer and Moyer, 1981: 20).

17 Other factors are reported to include personal unsuitability for police duty, social demands of policing reserves, inadequate infrastructures, alternative employment opportunities and political interference from Band Councils in administrative matters (Singer and Moyer, 1981).

CHAPTER 3: THE MAJOR ISSUES RECONSIDERED

INTRODUCTION

In this chapter, cultural, legal, political, economic and demographic aspects of the native policing environment are examined with a view to discovering some of the interconnections between their effects on native policing arrangements and some of the constraints and linkages that govern change and reform at the levels of policy and program development. It is argued that as environmental conditions vary and change, current methods of organizing and delivering native police services may become irrelevant or increasingly problematic and, therefore, provide scope for possible alternative arrangements. Some of the more likely alternative native policing models are explored in the second half of the chapter, although the forms they may ultimately assume are still under review. In any event, future native policing policies and programs have the potential to become either an important source of mutual satisfaction in native/government relations or a focus of disappointment, frustration and tension depending on which intitiatives are regarded by the parties concerned as the most appropriate to pursue and develop.

PART I: NATIVE POLICING AND ITS ENVIRONMENT

(1) Cultural Constraints on Native Policing

The institution of the police is a relatively recent invention in the history of Western societies. From its inception in nineteenth century England to its evolution in Canada and other states it has been identified mainly with government attempts to come to grips with issues and problems of social order and control in an urban environment. However, as a Western institution, the police has a very specific meaning which does not always neatly fit the mechanisms and institutions which other cultural groups employ to make people conform to accepted social norms or to control deviance. These comments are especially relevant for Native people who have not, historically, shared the urban experience with the same intensity or conviction as most non-native Canadians and have developed their own cultural approaches to social regulation and control.

This fundamental difference in the way in which the police and policing are conceptualized and institutionalized commits us to culturally determined definitions of the organization and delivery of police services. Unless this is recognized, not only will the prerequisites of native policing be poorly understood; an ethnocentric bias in policy formulation and program development, will force us to by-pass the critical question of the appropriateness and utility of applying certain non-native policing concepts and models to the task of policing culturally unique native communities. Thus, as this section develops it will become apparent that native policing relates to culturally-specific definitions of social regulation and control and their underlying concepts of justice, and should not be pre-defined within existing Western-urban models.

(1) Non-Native Approaches to Policing

The evolution of urban concentrations and patterns of interaction has had a profound impact on non-native approaches to policing. As Barsh and Henderson (1976:29) note, perspectives on policing outside the urban context

> ... were founded on the assumptions that truly dangerous persons were few and known individually and that citizens had a collective responsibility for maintaining public safety.

Under these circumstances, responses to infractions of social or legal norms were channelled through networks of mutual aid and liability and led to a number of usually predictable outcomes, including restitution, compensation and reconciliation. However, under the impact of urbanization, previous assumptions about public policing became untenable while the basis for informal, binding collective sanctions become more and more attenuated. As a result, these new social forces accelerated public interest in the establishment and development of formal, centralized police organizations.

Consistent with a criminal justice system designed to prosecute, punish and deter offenders, the organization of non-native policing services is dominated by a crime control model aimed at detecting offenses, apprehending criminals and laying charges. As an organizational structure, conventional non-native police institutions are modelled after military bureaucracies which direct and constrain personnel behaviour and information flow according to principles of rank, hierarchical authority and conformity to rules. A specialized division of labour provides the context for the assignment of routine policing tasks to roles whose encumbents' responsibilities, obedience and loyalty to superiors and the police agency are clearly defined and emphasized. The benefits of this type of organization seem consistent with the needs and characteristics of the criminal justice and legal system, certain investigative and adversarial functions, rapid response and internal discipline and management control (Murphy and Muir, 1984: 170-171). While some of these benefits may

persist, under certain policing conditions the crime control model of policing has been subjected to increasing criticism that focuses on its limitations, especially under changing social conditions and environmental demands.

Many of the difficulties stem from the police organization's narrow emphasis on and commitment to the crime fighting and law enforcement role. While these functions are important aspects of a police organization's mandate, they tend to be over-emphasized by police administrators and overshadow the more frequently exercised policing functions of crime prevention, law and order maintenance and routine service delivery such as social assistance, referral and public education (Loree, 1984:21, Table 2; Murphy and Muir, 1984:124). Discrepancies between the crime control model and the practical circumstances and consequences of day-to-day public policing may be further generated by the relative insulation of police organizations from the communities they serve, which may lead the former to place internal organizational priorities over the concerns and policing needs of the community. Because the military-bureaucratic model represents a relatively closed system that facilitates police/community separation, the evaluation of police performance and performance feedback are confined to the internal workings and structure of the police organization and its supporting institutions in the criminal justice system. Particularly important in this context are funding agencies which rely on crime and enforcement statistics to monitor and evaluate police performance and status, and to assess fiscal needs (Murphy and Muir, 1984; Nelson and Sheley, 1982). Given these fiscal pressures and constraints, police reward strutures tend to be located mainly in the areas of crime-related activity and law enforcement (Murphy and Muir, 1984:113). As a result, the criteria for evaluation and promotion within the police department emphasize high charge and arrest rate which in turn encourage police officers to assume adversarial roles (Griffiths and Yerbury, 1984:149). Given the evidence on policing realities in non-native communities, adversarial police roles are clearly inappropriate for the most frequently exercised policing functions — i.e., law and order maintenance and general service.

While exclusive concern with a crime control model of policing may prove beneficial under some circumstances (e.g., where crime rates are high) there are other serious disadvantages inherent to such a model and its practical application. First, despite their significance in terms of public demand for police services, law and order maintenance and routine service tend to be undervalued and unrewarded by the police and their funding agencies. A corresponding failure to develop policing capabilities in these directions[1] may lead to public dissatisfaction with the range of police services offered and undermine public support for the police. Second, the centralization of decision making discourages or inhibits input from community members and front line police officers who are in a better position to identify and priorize local policing problems, concerns and needs. Third, a fundamental contradiction emerges when the police and their funding agencies endorse the crime control model exclusively. As Murphy and Muir (1984:204) argue:

> Budget-based performance measures often create contradictory organizational pressures. For example, if the goal of policing ... is the control of crime, then reducing crime rates has few organizational rewards. Police budgets increase when crime rates increase and decrease correspondingly with lower crime rates. Thus, instead of rewarding police organizations for reducing crime, budget-based performance ironically rewards a lack of organizational effectiveness.

These conclusions are consistent with a growing concern among other students of policing that the crime control model and its administrative and operational apparatus may not be effective, efficient or economical in reducing or preventing crime at the community level (e.g., Griffiths and Yerbury, 1984:156). A fourth issue that arises in this context is the utility and general impact of specialized units within the police force. According to a number of research studies, specialization in some areas (e.g., community relations) has not proved effective in relation to policing costs. Furthermore, they may restrict information flow or invite control and morale problems as a result of the creation of privileged and elite status. Similarly, less specialized roles often become a focus for job dissatisfaction and alienation from many aspects of police organization (Murphy and Muir, 1984:180).

These criticisms suggest that the crime control model of policing is inadequate as a comprehensive blueprint for police organization and service delivery in non-native society. It may also be inappropriate as a model to be pursued and developed in the native situation. In the following section, this issue is examined with respect to the traditional native forms of policing in Canada.

(2) Native Approaches to Policing

Traditionally, all Native peoples of Canada, including the nomadic hunter-gatherers of the eastern woodlands, great plains, arctic and sub-arctic, and the more sedentary village-dwellers of the Pacific Northwest Coast and lowland Ontario, organized their lives in relation to a larger community with whom they interacted on a regular basis. This interaction, formal and informal, involving social, political, economic and religious considerations, reflected each people's culture and gave structure and meaning to the events and activities of daily life. While conducive to high levels of integration and interdependence in the community, these social and cultural configurations do not imply an overly harmonious picture of native groups and tribes. As the ethnographic record shows, members of traditional communities do disobey custom, even if rather exceptionally, thereby incurring disapprobation on the part of one's relatives, friends and neighbours. This is a significant point since it draws attention to a fundamental difference between native and non-native approaches to policing: native policing in its traditional forms operates in a context of reciprocal constraints that are derived from a variety of social relationships and, therefore, is shaped and directed by the interests of the wider community. The obvious implication here is that traditional native communities are structured in such a way that community responses and courses of action, rooted in cultural tradition and custom, take precedence over those of a formal, centralized police agency. This raises an important question: what are the conceptual and empirical foundations for social regulation and control in native society that in non-native society are represented by the police and the criminal justice system?

Traditional Premises: Diversity and Uniformity in Native Approaches to Policing

We can begin to understand the nature of traditional native approaches to policing by considering, first, their general conceptual/symbolic elements and then aspects of traditional social organization.

Associated with activity in the native community is a system of categories, values and beliefs that involves an important symbolic dimension and which enables people to interpret their behaviour and the behaviour of others. Unlike their non-native counterparts, however, native systems of thought and understanding display a "holistic" character. This means that actions are defined and understood not only with respect to their immediate frames of reference; they are also integrated with other key aspects of the culture. Thus, seemingly mundane events like gardening or hunting could be experienced as the enactment of deep religious and metaphysical themes, while elements of cosmic imagery often permeated the individual, everyday lives of men and women. Indeed, daily reciprocities between community members often mirrored sacred reciprocities with the ancestors, transactions significant enough to be recorded in and/or enacted through myth, oral tradition and religious rites (e.g. Goldman, 1975). Thus any violation of custom or breaches of the order defined by the wider conceptual/symbolic system were also moral issues affecting the collective interests of the community on several dimensions simultaneously. Accordingly, supernatural sanctions such as spiritual intervention or sorcery provided potent sources of regulation and control of conduct in the community. Failing these, or in association with them, native social organization provided scope for individual and group intervention.

(i) Policing and the Constraints of Social Organization

In general, traditional native communities were very small, with variations in population size as well as settlement patterns reflecting

adaptations to local ecological circumstances. Because of their small size and more permanent compositions, interaction within the community was based on continuous, face-to-face encounters with many shared cultural assumptions to guide them in social, political, religious and economic matters. Such norms and values, however, were not codified as laws (in the Western sense of the term) nor subject to enforcement on a regular basis by a formal policing authority. Rather, as customary laws they were subject to variable interpretations and discretionary enforcement tailored to changing social situations and multiple sources of influence. As a result, as forms of oral injunctions customary laws were frequently restated and modified in public contexts and with public consent. Similarly, most native societies provided little scope for the establishment and development of separate police institutions. However, some Indian cultures, such as those found on the great plains, had police or warrior societies (Humphrey, 1942; Jefferson, n.d.). The principal purpose of these organizations as policing "agencies" was to regulate behaviour and maintain order under certain ceremonial circumstances and especially during periodic buffalo hunts which concentrated otherwise dispersed tribal groupings at one location. In addition to maintaining the hunting norms of the group, plains police societies protected participating tribal members from external threats posed by marauding, enemy groups. Although they were used on a contingent basis to protect the interests of the collectivity, plains Indian policing societies were structured according to specific entrance requirements, enforcement criteria and moral codes. However, far more important for policing on a continuous basis in native societies were the structures and patterns of kinship and marriage.

Kinship and Marriage as Mechanisms of Social Control

Each native community was comprised of a number of kinship groups ranging from the family or extended family to larger units such as lineages and clans. These groups were each held together by cooperative ties that furnished the reciprocal expectations integrating and binding individuals to the group. Because of high levels of commitment to such groups in all matters of social life, their members were subject and responsive to their censure and policing authority in the event of misconduct and deviance. Particularly important in this context was the variable of kinship distance[2] between the "victim", "offender" and kinship group which greatly influenced the type and severity of sanctions to be administered. However, individuals were also members of the wider community and owed

varying degrees of allegiance to groups outside the immediate family or clan which placed additional constraints on behaviour.

The key element at this level of policing was the marriage relationship. Different types of marriage exchanges introduced variable levels of complexity, stability and continuity into inter-group relations[3] and, therefore, often subjected both husband and wife to more inclusive and comprehensive levels of group expectations and control. As a result, marriage in traditional native societies often militated against a high incidence of "crime" in the community since overriding the behaviour of a spouse were implications for the integrity of group and community relations.

Thus specific patterns of kinship and marriage in native societies introduced a range of variation in the ways in which collective concerns and action might be brought to bear on issues of social regulation and control. Significantly the diversity in policing methods that may be observed at the levels of kinship and marriage was further enhanced by differences in native political organization.

Politics, Leadership and Policing Authority in Traditional Society

Political aspects of policing were intricately interwoven with kinship and marriage. However, as a function of ecological adaptations and other factors, authority figures and other political mechanisms could be distinguished from the more general features of native society and therefore fulfill a distinct policing role.

The nomadic hunting and gathering cultures of the eastern Algonkians, Sub-arctic Athapaskans and Inuit were characterized by weak and poorly-developed institutionalized leadership, and placed high value on individual autonomy. But they also fostered great sensitivity on the part of most individuals to the pressures of others and of diffuse public opinion. The consequent style of life and interaction — attentive, self-reliant and tolerant — are easily recognizable among these Native peoples.

Whatever misgivings these Natives may sense within themselves will tend to remain latent and private (Smith, 1975; Steenhoven, 1959; Vallee, 1968, 1972). Traditionally, they are not brought out through the formation of factions so often found when these same societies are under pressure from alien social and cultural forces. This is probably connected with the fact that the only strong leadership known in these traditional societies was independent of institutionalized political support. Obviously, these forms of leadership were limited and closely tied to matters of deep collective concern that were not easily exploited for personal aggrandizement and influence. These conditions provided scope for the occasional emergence of charismatic persons, sometimes several in the community, who stimulated and vitalized the groups. Such persons did not occupy any special named offices or have institutionalized functions. Rather, they were listened to, admired and followed by their peers, sought for companionship and deferred to on an ad hoc basis. Their influence in policing matters depended on a combination of shrewdness and self-confidence and derived from a vitality and assurance that sometimes reflected their mastery of something approaching the totality of traditional culture (e.g., Briggs, 1972; Steenhoven, 1959). With the support or in the absence of such charismatic leaders a standard reaction to individuals who endangered the community was to withdraw social and economic services. In cases of more serious deviance such as the murder or rape of a community member the offender might leave or be banished from the community, be physically punished or sometimes killed. However, such incidents might entail reactions other than withdrawal or ostracism from the community or the offender's death. Social circumstances often dictated the reaffirmation of the offender's previous social status (i.e., prior to the deviant act) within the community (Steenhoven, 1959). An important aspect of this process, designed to curtail or prevent further friction, tension or hostilities between the parties concerned, involved the implementation of various forms of restitution and compensation that might also imply successive, reciprocal exchanges of goods and/or services.[4]

These types of sanctions and resolution mechanisms might also be administered among native cultures where there existed a greater tendency

towards institutionalized leadership and the centralization of policing authority. Among the Plains Indians and Natives of the Interior Plateau the presence of chiefs and/or councils provided a significant measure of governance in policing matters. Of special interest is the coercive authority indirectly exercised through the Plains Indian "police societies" (see above) which was aimed primarily at reconciliation between the offender and the community. Arrangements for the maintenance of customary law and order that involved chiefs and councils of much larger scale were found among the Iroquois of Southeastern Ontario and the Indians of the Northwest Pacific Coast. With more permanent village settlements it was especially important that grievances and conflicts receive public hearing before they escalated to the point of community conflict and fission. When disturbances and disputes expanded and threatened the interests of the collectivity, meetings might be held. It was expected that by the time the matter had been thoroughly discussed consensus would be reached. There was an underlying assumption that while dissent might be voiced in the discussion, it could not be tolerated in action, so in the end all must be united in agreement as to what action should be taken. In order to facilitate this process, arguments were channeled by chiefs and elders toward consensus through the exercise of persuasion and appeal to tradition and customary laws. Although consensus was the ideal, there were occasions when unanimous agreement could not be reached. In these situations, the notion that the majority rules might be invoked, at which point the dissenting faction either acquiesed in the ruling or withdrew from the community - either on its own volition or as a result of public censure and ridicule. In more extreme cases, sorcery or other forms of immediate violence might be exercised (Griffiths and Yewbury, 1984: 155). However, these observations also indicate (and perhaps, underemphasize) that the principle of reconciliation, when put into practice, did not always resolve disputes and conflict within the community. Indeed, where there were differences in social, religious, economic and political statuses one could expect different views of reconciliation that could lead to different interpretations of what constitutes successful or unsuccessful reconciliation. Put another way, a

> ... people's awareness of power and legitimacy ... is crucial for understanding the pattern of dispute management processes they prefer, especially when this is coupled with an analysis of factors such as time and resources expended, and publicity and shame incurred (Gordon and Meggitt, 1985: 205).

As a result, cultural practice at this level of justice administration had at least the potential to prolong and heighten individual and group tensions, or reinforce structured inequalities.

Conclusions

Native groups in Canada then had at their disposal a significant variety of policing methods tailored to variations in the pulse and rhythm of community life. Native concepts of justice, expressed through the principles of restitution, compensation, reconciliation and general reciprocity emphasized the maintenance and restoration of community harmony, peace, collective traditions and customary rules. With a focus on community solidarity as well as a sense of balance and coherence relative to the wider social and cultural environment, they bear little resemblance to concepts of justice that underpin non-native policing and the wider criminal justice system (cf. Gordon and Meggitt, 1985: 197-198). Therefore, as Marchant (1985: 18) suggests, it was less likely under more traditional circumstances for Natives to authorize or institutionalize adversarial-type policing arrangements in their communities.

But while the ethnographic-historical record reveals a fundamental difference between native and non-native approaches to policing, it should not be assumed a priori that strictly traditional native forms of policing are necessarily appropriate, workable or just in contemporary native communities. Illustrating this point, Van Dyke and Jamont (1980: 111) point out that for Natives in Saskatchewan,

> ... perspectives on policing vary immensely in relation to different kinds of Indian communities. For example, communities which are more isolated and traditional tend to view polcing in a very different way than communities which have had long-term exposure to the mainstream of Canadian society.

Traditional native methods of policing do have an important bearing on overall native policing policy considerations. Under more traditional circumstances or where native values and concepts of justice administration are reinterpreted in oppostion to corresponding non-native values and concepts, they should be given serious consideration. On the other hand, culturally distinct native approaches to policing must be developed in view of changes in local circumstances that will greatly influence what is desirable, possible and probable in native policing arrangements.

2. LEGAL ISSUES: The Law, Native Communities and the Legitimation of Native Policing

Contemporary forms of native policing presuppose a legal framework, established by federal, provincial and local governments, that defines and specifies the incidents of police intervention in the native community.[5] Natives who come to the attention of the police often do so as a result of non-compliance with non-native laws. However, the reaction of many native communities to the application and enforcement of such laws raises some of the most significant, complex and controversial issues that affect native police policy and programming.

In Canada, acceptance of the law is based, at least theoretically, on legitimation or the willingness and preparedness of persons and groups to accept the authority and rightness of conformity to the law. For governments, criminal justice agencies and the general public, it is essential that acceptance of the law be voluntarily maintained if accusations of the law, and the police who enforce it, as mere instruments of force and coercion are to be avoided. For some native communities, however, the law and the police responsible for enforcing it are seen as part of a dominant, non-native power structure with often different interests, needs and priorities than those of the local native community. Under these circumstances, legitimation of native policing may be fundamentally challenged.

Many of the difficulties encountered in legitimating non-native control of native policing may be traced to sociological factors. Natives have often become alienated from their own worlds as well as from non-native society (Kellough, 1980). For more than a century many have experienced change and breakdown in kinship structures, abdicated traditional economic activities, and witnessed comprehensive modifications and displacements of their political organizations. These changes have either threatened or destroyed the infrastructures of native community life and along with them the traditional means of social regulation and control. Even where more traditional community infrastructures have remained

relatively intact,[6] Natives have been forced to relinquish their policing responsiblities to non-native autorities and institutions. As a result of enforced paternalism and dependency, together with structured inequalities that make Native people the most disadvantaged group in Canada, the scope of native participation in non-native society has been severely limited. Not surprisingly then, the facts of disenchantement with and low involvement in mainstream Canadian society tend to be common features among Native people (Kellough, 1980; McCaskill, 1982). With little motivational investment in or commitment to the wider Canadian society, it is difficult for many Natives to accept application of the criminal justice system to their communities. However, attempts have been made to encourage and direct the participation of Natives in the policing enterprise through the dissemination of legal and policing information, especially by indigenized police forces. But while the legal education of native communities seems necessary for the enhancement of native respect for, understanding and use of the police, it is undeniably paternalistic, especially where cross-cultural differences in legal norms and policing exist. More importantly, as this socialization process, together with the enforcement of non-native laws in native communities, devalues or erodes the system of tribal or customary law, the increasing dependency of Natives on external agencies for solutions to native policing problems leads to a number of often unexepected consequences.

In some cases, there is explicit, outright rejection of non-native justice systems by Natives (Honigman, 1968; Lambert, 1978; Smith, 1975). This may entail non-compliance with the law and overt hostility towards the police,[7] especially when police actions are seen by Natives as illegitimate and/or discriminatory attempts to enforce alien legal sanctions on them. Somewhat more passive and implicit are rejection of the law and its enforcement on the basis of their meaninglessness to Natives, particularly when they have little or no bearing on a wider moral and religious order that may ultimately control community behaviours and guide native aspirations. In still other situations, there may be an uneasy juxtaposition of culturally diverse sanction systems with the native one being frequently driven "underground". As some Natives increasingly withdraw from

participation in the criminal justice system and/or reduce their cooperation with the police, other undesired imbalances in the administration of justice can occur. Delegitimization of native systems of regulation and control may be exploited by members of the native community: for example, previously deviant acts in the native context - such as marrying a proscribed relative or intruding on a secret religious rite - may become normative or permitted under a non-native justice system. If the community has no legal recourse to such violations of the native normative and legal order, the integrity of the community may be seriously undermined. Conversely, previously normative acts may become deviant or criminal according to non-native laws and legislation. For example, legal constraints on hunting and fishing often transform long-established native practices into a series of conflicts with the law and law enforcement agencies. On the other hand, normative innovations by members of the native community under the impact of social change may be subject to inappropriate legal sanctions. For example, new patterns of action that focus on the consumption of alcohol can be viewed in some cases as attempts to synthesize new values (i.e. drinking) with new normative expectations in order to achieve some form of meaningful social participation in the community. Among Natives of the Mackenzie Valley, for example, although it may reach serious and disruptive proportions, "... the drunken role is quite well integrated into community life. People know how to cope with it at least in its routine forms" (Smith, 1975: 81). While excessive drinking may be viewed as deviant by non-Natives, it may be viewed by Natives as no more deviant than the opposite judgment: to refuse to drink when in the company of significant others. This is not to condone the excessive and hazardous use of alcohol by Natives but to point out that the reassessment of "deviant" behaviours may involve reinterpretations that lend them a degree of "normalcy" at least within a native context. A related example is the case where a native "drunk" is understood by the community to be possessed, like a traditional shaman. This reading of behaviour is likely to invoke a community response appropriate to a transcendantal or extra-normal, as opposed to a deviant, category (Smith, 1975; Swanton, 1984). Nevertheless, it is also clear that many "adaptive" strategies involving alcohol in other contexts may not be successful, and may even be harmful to the individual and the community concerned.

Misunderstandings regarding "law and order" in native communities, which are so apparent in the development of relations between Natives and

government, frequently involve those who underestimate the importance of a revitalized Native presence in Canada. An emerging awareness and pride in historical and cultural roots among Native people creates alternative conditions for and legitimation of a lifestyle or set of lifestyles with which are identified new patterns of adaptation. Integral to native adaptation is the general development of native justice systems and, in particular, the reinstatement, reinterpretation and development of tribal or customary law (Kane, 1985; Saddle Lake Tribal Justice Centre, 1985). Supported by native religious values and more socially, politically, and economically stable community structures, they have the potential to create opportunities for a new kind of articulation between native communities and the wider Canadian criminal justice and political systems insofar as they indicate directions for legitimate change.

It is highly important then for governments and the criminal justice system to be in touch with the realities of native cultures if significant avenues for legitimate change are not to be narrowly defined. It becomes crucial under these circumstances that the law does not simply embody the values and attitudes of non-native, mainstream society. The imposition of such values through the application and enforcement of laws which do not accord with the legal norms of significant numbers of Native people or the failure to adequately enforce laws, such as Band by-laws that reflect local community values, can only further alienate Natives from Canadian society. When culturally incongruent sanctions are applied to native communities, confusion and resistance occur. To persist with such applications can only be harmful to native modes of community integration. Furthermore, it is frequently unjust and self-defeating. In this context, it is also important to point out that similar problems may be found in non-native sectors of Canadian society. For example, the Criminal Code has allegedly lost clarity and simplicity to such an extent that it may not be understood by non-Natives nor seen as a reflection of non-native moral values and attitudes. Consequently, the law, courts, judges and police may be perceived by non-Natives as well as by Natives as too far removed from local interests, concerns and purposes in the administration of justice. There is, therefore, a general need in Canadian society to re-examine the relationship between societal definitions of "offences" and legal reform.

The maintenance and enforcement of laws which are at odds with native definitions of their interests brings the whole structure of the laws into disrepute and, with it, the police. Where possible, the legal system must retain the support of the Native population. But only as the law is used sensitively and pragmatically can the support of the largest number of Natives be maintained. Similarly, provisions must be made to maximize the probability of appropriate sanctions when deviance and crime occur. As these and other issues assume greater and greater importance and change the position of Native people within Canadian society, the possibility that the police will gain support and commitment from Natives while policing their communities by appealing to existing non-native legal models is seriously reduced.

3. THE POLITICAL CONTEXT OF NATIVE POLICING

Over the last decade or so Native people have been increasingly vocal in their demands for wider public and official recognition of their historically unique status and cultural heritage. The raising of native political consciousness and its associated activism have been facilitated by the land claims movement, proposals for native self-government and negotiations over constitutional rearrangements and reform. Significantly, both Natives and non-native politicians have played a hand in strengthening political commitments to the continuity of tribal identities and the survival of native communities and their traditions.[8] Given its historical and cultural context, native policing constitutes a significant test case for government policies and Natives' cultural commitments to their communities. Thus, both the form and content of native police service delivery are given an immediacy in political terms.

This point is underscored by the current politicization of relations between native communities and the police (e.g., Loree, 1984: 119). However, tensions that develop at this level frequently find their origin and context in far more inclusive politically-induced changes in native world views. Natives are not only questioning their worlds and concluding that they are largely problematic, but are increasingly prepared to facilitate and direct changes they see as necessary for their survival as distinct cultural groups. Since policing is at the "cutting edge" of relations between Natives and government (Clifford, 1982: 4) it often bears the brunt of native criticism of alleged government mismanagement, ethnocentrism and indifference to local native issues (Kellough, 1980; Weaver, 1981). Thus, where non-native policing in native communities may have previously promoted non-native values and interests it is now seen by some native groups to be too far removed from the purposes and concerns of the community. This is a particularly important political issue since it has recognizable currency vis-à-vis the general Canadian public. Relating the political status of the current, dominant policing model and associated arrangements throughout Canada to that of other government institutions, Murphy and Muir (1984: 39) conclude,

> The growing critique of the independent and bureaucratic model can be seen as part of the general 'crisis of legitimacy' that is confronting all government institutions in modern society. Growing public demand for more responsive and accountable government will inevitably mean that government services, including the police, will be pressured to become more accountable and responsive to public and political concerns.

For many native groups these changes would seem to imply an end to their role as political apprentice to a succesion of authoritative outsiders. Encouraged by successful political challenges and economic developments on and off the reserve (e.g., Gerber, 1979; Hedican, 1982), many native communities will reject, ignore or withdraw support for police services that remain unresponsive and unaccountalbe to native authorities and, more importantly, to native publics (e.g, Native Counselling Services of Alberta, 1980).

As a more coherent political force, native organizations and communities cannot it seems, fail to exert their own distinctive influence on the form and content of native police services. Consequently, alternative institutions may be embraced, depending on the level, focus and extent of native political activity. The issue of native self-government, for example, suggests there is potential for a greater measure of political autonomy and internal control over policing matters since policing goals, strategies and methods under self-government would be defined more directly in native terms. Such developments might require the adoption of policing models and arrangements that localize decision making at the community level and encourage wider public participation in the policing process. Where the political status of native communities does not imply the self-government formula (Weaver, 1984:219) a much greater effort may be required to lay the political foundations of collective involvement in native policing.

Political changes of this order may lead in a number of directions. As a consequence of adjustments to non-native political and legal forces,[9] non-native values and concepts central to such issues as political leadership,

policing authority and responsibility may be internalized by some members of the native community. When non-native influences of this nature emerge, they also appear "modern" and are encouraged by outside agents. Yet they may come into conflict with positions more firmly rooted in traditional native approaches to policing and customary law (e.g. Delisle, 1984:144). Competing values and conceptual orientations at the level of the native community may foster divergent political expectations and ambitions which in turn may motivate different behaviours and change the standards by which satisfactions are judged and future decisions will be made. In some areas, the effects of changing standards of judgement in a community may be immediate. For example the proliferation of political interest groups in a formerly very homogeneous community may lead to the emergence of entirely new forms of social and political divisions within the community such as growing class and generational differences. In the absence of mechanisms to reconcile these differences, there may be uneven influences on native police policy formulation that emanate from the community itself. This has certainly been the case where the opinions and attitudes of native Special Constables recruited from the community have played an important role in native police policy considerations (e.g., FSIN Study, 1984). As Brass (1979) notes, the recruitment of Special Constables tends to favour the more affluent members of the native community who often have little in common with other Natives, especially those who come to the attention of the police. This observation is confirmed by Van Dyke and Jamont (1980:115) who surveyed Native Special Constables in Saskatchewan:

> In the process of recruitment, the screening procedures used by the Force focus upon identifying potential candidates who reflect the behaviour and norms of white society. Almost by definition, these behaviours and norms would not be viewed as "good" or "acceptable" from the point of view particularly of the more traditional Indian communities (see also Finkler, 1976:66,67)

Thus,

> Joining the RCMP as an Indian Special Constable appears frequently to be seen as a "stepping stone" to increased participation in the "outside world". In this sense, being accepted into the Force becomes a symbol of "making it" off Reserve (Van Dyke and Jamont, 1980:27).

In more extreme cases, political and ideological imbalances in the native community that directly involve the police may lead to explosive situations and violent confrontations as recent analysis of the "Wounded Knee Crisis" in the United States indicates (Holm, 1982).

Changing standards of judgement in a culture may, on the other hand, only gradually assert themselves but then act retrospectively on events and relationships in the past thus suddenly producing what appear as long-accumulated grievances. The gradual acknowledgement and recognition of native women's rights, for example frequently changes perspectives on the administration of justice in native communities. This is particularly important given native women's greater involvement, on a proportional basis, in the criminal justice system than native men's (Hylton, 1982; Laprairie, 1984). However, there are other equally pressing areas of concern. Historically, some native political and legal structures have favoured male interpretation of "crime" and the initiation of policing responses in the community. In a contemporary setting, however, these may be inadequate and unjust, especially if they neither promote nor consolidate female interests in the administration of justice. Illustrations of this point are recent judicial decisions in Hall Beach and Arctic Bay, Northwest Territories, to refer rape offenders to community supervision. However, this decision, influenced by senior male Inuit, has been challenged by Inuit women in the community (I. Prattis, personal communication). These events suggest both the presence of frequently concealed tensions in gender relations and the importance of participation in political and legal matters as a dominant expression of modern identity among some native women. Unless provisions are made to safeguard the interests of native women in community regulation and control of behaviour, protest and resistance that spring from deep-seated tensions are likely occurrences (cf. Jamieson, 1978).

In some native communities, then, there exist uneven capacities and opportunities to articulate policing preferences or to influence policy and decision-making. An especially difficult issue to resolve in this context is

the question of police accountability and political responsibility for the police. This is not a problem unique to native communities. Generally in Canada,

> The scope of police authority to act independently of political or ministerial control must be defined. Related to that there are a number of questions to be answered such as: who sets general policy for public police forces in Canada; which police decisions require approval from an appropriate civilian body or from higher authority; and which civilian has, or ought to have, the right or duty to oversee the police and at what level should this control be exercised? (Hogarth ©1982£, quoted in Murphy and Muir, 1984:39)

As a matter of policy, things are more complicated in the native situation, given variation and change in local political circumstances. For many large-scale native communities with considerable exposure to maintstream Canadian society the issues are likely to parallel those for non-native communities and prove equally problematic. Nevertheless, they may stimulate new community tasks that require innovative forms of political consultation, leadership and public participation. In any event, much may be gained by allowing the status of political institutions to be addressed by developments within the culture. For small-scale and more isolated native communities the issues may be viewed from a different perspective, especially if some of the necessary checks and balances of a community policing authority are already in place and simply require government support and official recognition to be activated.

Ultimately, the direction and extent of political (and legal) reform as a prerequisite for native policing will depend on which avenues and goals local native communities, Parliament and the Canadian electorate are prepared to follow and seek. But unless allowances are made for native political and cultural aspirations in the area of policing, relations between government and native organizations, groups and communities will likely become considerably more troubled. For its part, government must be attentive to the implications of local native conditions for native policing options and, therefore, be prepared to alter existing arrangements in view of reasonable and preferred alternatives.[10] Native people too must be

equally flexible in their choices, tempering their political and cultural aspirations with a measure of respect for the limitations of their own communities and other constraints of the wider policing environment.

4. ECONOMIC ISSUES: HORIZONS AND TRAJECTORIES

Only recently have the long-term implications of economic changes been felt at the level of program planning and funding, the consequences of which, we shall argue, will not be readily amenable to economic solutions. Global patterns of economic decline are reflected in the general policy of financial restraint that governments at different levels are now attempting to practice. Since financial resources are becoming seriously out of step with program requirements, both current and projected, decisions must be made that address this discrepancy. The observable trends towards closer scrutiny - under public pressure and the logic of the market place - of the cost implications of new and continuing programs have set in motion within the Ministry of the Solicitor General, a search for "... innovative alternatives to traditional, high cost criminal justice services".

> As tax-based government revenues decline, provincial and municipal governments are projecting reductions in past levels of criminal justice spending. Unless present economic conditions improve dramatically, it is reasonable to predict that government expenditures on policing services in the 1980s will experience either no growth or be faced with actual decline in real dollars. This could create serious problems for policing, as in the last twenty years the size and cost of police services in Canada has grown remarkably (Murphy and Muir, 1984: 46).

The economic status of native policing is even more precarious in this context. On the one hand, the developing fiscal crisis is likely to impact first and more severely on the delivery of policing services to native communities since the latter generally receive low priority in the overall federal budget. For example,

> During the past 10 to 20 years expenditures on Status Indians have been relatively stable since 1970, growing in real terms 14% per capita, compared to 128% per capita growth in other federal social services (Indian Conditions, 1980: 98).

In the (Status) Indian budget itself (reserve) policing is one of the most expensive items, consuming most DIAND non-capital expenditures (Indian

Conditions, 1980). But with increasing financial pressure on all native programs, Native policing may be forced to compete with other programs, especially those with high political profiles such as land claims research. Thus funds could be diverted by government authorities from one program to another depending on the nature of the priority scale. These trends are already apparent given instability, discontinuities and deficits in federal and provincial funding for some native police programs. On the other hand, despite current and projected financial difficulties, native policing continues to grow in size and cost. More importantly, both per capita expenditures and the growth in expenditures for native policing exceed those given for the national figures.

At these elementary levels, native policing is more expensive than non-native policing because there are more police per capita policing areas with significant concentrations of native people than areas in which the native population is considerably less. For example,

> The Yukon and the Northwest Territories have a much higher number of police per capita than any other area in Canada ... and Saskatchewan, the province with the largest indigenous population in southern Canada, has the second highest rate (Haveman et al., 1984: 22).

These figures are brought into sharper focus when per capita expenditures on policing in areas with a large native population are examined in relation to the national rate. During the period 1977/78 to 1979/80 the national growth in police per capita expenditues increased from $60.59 to $71.69. But during the same period the Yukon and Northwest Territories registered increases from $164.39 to $224.03 and from $208.67 to $277.61, respectively (FSIN Study, 1984: 24). Stated in far more dramatic terms,

> Expenditures for federal and municipal police in the Yukon and Northwest Territories are 171 and 244 times higher than average policing expenditures, respectively (Haveman et al., 1984: 24-25).

Turning to reserve policing programs, we find marked increases in costs since their inception with a total bill in 1982/83 of $15,035,066 (FSIN Study, 1984: 71). Significantly, over 50% of the budget for any reserve policing

program is allocated to police personnel salaries. Yet it has been reported that due to present and projected crime rates on reserves as well as the status of service demand, both the native public requests, and professional consultants and government officials recommend more police personnel for these programs. Inevitably, costs will be pushed to even higher levels. But as Murphy and Muir (1984: 48) caution,

> Police budgets will correlate only with present levels of government expenditures and not, as has been the case with changing crime, population or service demand patterns. If policing does grow it will have to do so at the expense of other government programs.

In the present political climate economic tampering with government services to Native people seems less than prudent. Nor is it likely that adjustments will be made in non-native programs in order to cover the increasing costs of native ones.[11] What strategies then might possibly be adopted in order to render current native police programs more economically viable?

It is conceivable that the scope of native policing could be narrowed and refined, practically and ideologically, to conform more closely to the crime-fighting model of policing in order to reduce costs. But the reactive, adversarial model of policing is itself an expensive operational arrangement (Murphy and Muir, 1984). Moreover, it may conflict with native conceptions and expectations of policing and, therefore, is unlikely to gain the support of the native community.

A strategy might be entertained that shifts increasing policing costs and associated management concerns to the native client. Such a strategy raises an obvious question: how do present economic and political circumstances enable Native people and their communities to bear such costs and administer budgets? In some cases, native communities have been significantly involved in the management of policing budget (e.g. Blood Tribal Police Program). However, there is a far more serious concern. Although native communities are not uniformly destitute (e.g. Gerber, 1979; Hedican, 1982; Loree, 1983) few have the resources and capacity to support policing services in their current forms. Native communities in general have small populations where local

economies and economic activities tend to be vulnerable to wider economic forces and exhibit patterns of occupational pluralism, migrant labour, urban migration and welfare dependency that do not easily translate into a firm economic base (e.g. Indian Conditions, 1980; Kellough, 1980). Also, many native economies situated on the frontier are oriented towards subsistence rather than market forms (Asch, 1979; Feit, 1973; La Rusic, 1978; Tanner, 1979). It is not at all evident then that even in the event of native self-government, fiscal responsibility for current native policing programs could be successfully transferred to native communities and/or their governments, especially on a long-term basis.

The issue needs to be stated clearly: fiscal or economic strategies that require more police and more expenses etc., may be unrealistic for the development of native police programs. Alternatives to conventional policing therefore must be found in other domains such as societal organization and cultural structures. A major task confronting Canadian society is to adjust social and political institutions so that they may adapt to the new economic facts of life that demand a change in perspectives on the organization and delivery of native police services.

5. DEMOGRAPHIC FACTORS AND THEIR IMPLICATIONS FOR NATIVE POLICING

Variation and change in the size, distribution, composition and mobility of the native population have important implications for the design and implementation of native police programs. Demographic factors must be considered when assessing which types of policing arrangements best fit community, cultural and other characteristics of the local population. For example, while increases in the absolute size of the native population are important considerations for overall policy and programming, the scale and geographic distribution of native communities have a more direct bearing on the economics and practical constraints of police service delivery as well as the type of police program potentially available. Small, remote and widely distributed native communities not only present difficulties for economical and adequate policing (in its current forms) but are also restricted by provincial legislation regarding the type of police force that may be established by or for them.[12] Population density, settlement patterns and subsequent redefinitions of the political-legal status of native communities and their members can also affect program design and applicability. Conditions of high population density create economic competition and scarcity of occupational possibilities, pressuring Natives to frequently relocate off-reserve (Hedican, 1982) where they are subject to regular, conventional policing. More importantly, changes in the composition of native populations can change the levels at which Natives are at risk in the criminal justice system. Combined with variable forms of mobility (e.g. economic, political) and migration, these and other changes may reflect fluctuating commitments to traditional native values, social forms and patterns of interaction and therefore, impact on the type of police institutions and program strategies best suited to the kinds of problems that emerge under these changing conditions. It is of the utmost importance then that government and Natives be aware of these and other demographic implications for the development of native policing.

Population Size and Growth: Social, Political and Legal Catalysts

According to more recent figures the total Status Indian population in

Canada was 332,178 for 1982/83 (FSIN Study, 1984: 73). During the same period the total Inuit population of Northern Canada was 25,390 (Statistics Canada, 1983). However, when Status Indian and Inuit population totals are combined with all other categories of Native people, the absolute figure is estimated to be 1.5 million and may reach as high as or be in excess of 2 million, depending on changes in individual and/or institutional recognition of native identities (Native Council of Canada, 1981: 8; Valentine, 1980: 81; cf. Bill C-31). There are three interrelated issues that may be raised in view of these figures. First, the largest proportion of Native people in Canada - non-Status Indians and Métis - are excluded from special policing arrangements with the federal or provincial governments. Yet their social and cultural characteristics may set them apart from non-native communities with whom they are, nevertheless, classified for the purposes of policing. Second, if a significant number of Natives should gain or re-possess special political and legal recognition, then we might reasonably expect them to make legitimate demands for special recognition in policing matters (e.g. Solicitor General, 1980: 43-44). Thus, a rapid socio-legal and political "growth" in the Native population would place additional demands on special policing considerations and arrangements for Native people and give new direction and force to the issue of manpower requirements and growth in native police employment and expenditures.

Population Distributions: The Constraints of Scale and Location

While the absolute size of the native population is an important consideration, a far more crucial issue for the delivery of police services to Natives is the geographic distribution of native communities by scale. At the national level, approximately 65% of Status Indians, including 70% of Indian Bands, are located in rural and/or remote settlements (Siggner, 1979: 19). Most of these settlements have registered (i.e., Status) Indian populations of 1,000 or less: 39% have populations in the range 301-1,000:

31% have populations from 101-301. However, these figures may be even lower since the statistics for native domicile tend to be higher than those for actual native settlement residents. According to Indian Conditions (1980) it is estimated that the "average size" of Indian Bands of those in the range of 1,000 or less, is 525. More recent data on the distribution by size of reserve settlements in the provinces seems to reflect similar patterns. For example, in the province of Saskatchewan, 93% of reserves have populations of 1,000 or less. More significantly, 85% have populations of 750 or less while 69% have populations in the range of 251-500 (FSIN Study, 1984:67). Since these small-scale communities tend to be located in mainly rural and/or remote regions, they present difficulties for the delivery of police services in their current form in both practical and economic terms. With larger detachment areas, police response to calls for service in rural or remote regions is inevitably slower than among more concentrated populations. At other times, police services may simply be unavailable or inaccessible. And as the evidence shows (see Section 4 above), it is expensive to provide police services to native communities under these conditions.

An additional complicating factor in a related dimension is tne increase in off-reserve native populations which far exceeds that for on-reserve populations. According to Siggner (1977:6)

> ... the total population living On-Reserve/Crown Land will only grow by 14 per cent between 1973 and 1990, an absolute increase of about 27,000... the Off-Reserve population, on the other hand, is forecasted to grow by 74 percent in the 1973-1990 period....

Over the last 20 years the off-reserve Status Indian population has increased its share of the total Status Indian population to 33%. Of this share, over 50% are concentrated in urban areas. In 1978 in Ontario, of a total of 68,000 Status Indians, 22,644 (33%) were resident off-reserve. Of the off-reserve pouplation, 17,000 (75%) were located in urban settings. Similarly, of the estimated 117,000 Metis and non-Status Indians in Ontario, 58,500 (50%) were residing in towns and cities. Moreover, the urban native population in Ontario is forecast to increase by 82% during the period 1978-1998 (Ontario Task Force Report, 1982; see also Gerber, 1979; McCaskill, 1982; Morinis, 1982; Svenson, 1983).

From these data we may make two inferences: first, a large number and increasingly large proportion of Status Indians living in urban settings do not have the same access to special native policing services provided by government as do Status Indians on-reserve; second, and more importantly, a large and increasing number of Native people are and will be living in a policing environment - the city - which does not easily accommodate (traditional) small-scale community experience and expectations. This suggests that policing services available to some urban Natives may be inadequate with respect to their policing needs. However, before any firm conclusions can be drawn with respect to this issue, more study in this area of policing is needed (see below).

Population Composition: Anticipating Policing Needs and Requirements

At the most general level, the Status Indian population has experienced increased growth especially in the young adult population.[13] According to Siggner (1977: 8),

> The population in the age group 15-29 will be the most populous of all age groups both On-Reserve/Crown Land and Off-Reserve during the latter half of the 1980s.

This young adult population is expected to increase 30% between 1975 and 1990 On-Reserve/Crown Land, while the Off-Reserve young adult population will increase by 80% during the same period. As the native population at risk in the criminal justice system, native young adults will significantly increase pressures on police organizations to allocate a larger proportion of their diminishing resources to the policing problems and needs of this population. In particular, these will likely require a focus on law and order maintenance, the detection and apprehension of criminals, and preventive policing strategies. However, if no changes occur in the structure and functioning of the criminal justice system and its agencies in Saskatchewan, for example, "... demographic changes alone would cause Native admissions to rise to about 80% of all admissions to provincial correctional centres" (Hylton, 1982: 124) by 1990.

Because of declining fertility rates and improved life expentancy, the Status Indian population will be growing older. The greatest increases in growth for age groups above the young adult category will occur off-reserve (Ontario Task Force Report, 1982: vi; Siggner, 1977). Thus, it may reasonably be concluded that the urban environment will increasingly absorb those sectors of the native population in which demands for police services will likely assume different forms. Among elderly Natives in particular, victimization issues may lead to an increased need for police visibility, protective and preventive policing (cf. Murphy and Muir, 1984: 55).

6. POLICING AND THE URBAN NATIVE

As McCaskill (1982: 83) notes,

> Virtually all studies of the urban Indian in Canada have discovered that the principal reason for migrating to the city is for economic gain and that the other significant reason is for education ...

It is apparent that, for many Natives, reserve life becomes less attractive under generally economically depressed conditions. However, urban migration does not always lead to desired or expected destinations nor entail uniform ways of adapting to city life. For example, restricted employment opportunities and discriminatory practices may direct some Natives to skid row and seemingly daily confrontations with the police. Where roads lead to more favourable employment and educational opportunities and "settled" urban residence, the influence of non-native values and lifestyles exert strong pressures to "become modern" and abandon traditional native ways and modes of thought. As a result, Native expectations regarding policing may be very similar to those of non-Natives. While some Natives may assimilate to mainstream Canadian society, the nature of native migration patterns also suggests alternative adaptive strategies that are based on uniquely native forms of association. For example, crucial links with rural native communities may be maintained by some urban Natives, thereby providing some continuity in expectations regarding specifically native policing.

Several authors have pointed out that native women are more likely to migrate to urban areas than native men, under certain specified conditions (Gerber, 1984: 149; Price, 1979: 228). These trends are, to some extent, reflected in the imbalances in sex ratios among migrant and mobile categories of Native people, especially young adults. Females are over-represented for off-reserve locations and males are over-represented for on-reserve locations (Gerber, 1984: 160, fn. 8). Given the proportionately higher level of female native involvement in the criminal justice system and the nature of that involvement (see page 151) it is important to consider the implications of this demographic distribution for the quality of police services provided for urban and rural Natives. However, this

evidence does not complete the native migration picture as other work (e.g. McCaskill, 1982) suggests that more men than women are mobile in the following senses:

(1) males, especially single, young adult males, tend to reside in the cities for shorter periods of time than other categories of native people; and

(2) male activities are predicated on short-term economic gains.

These forms of migration and migrant labour indicate high levels of transience and suggest low levels of attachment to the urban community, a situation that may adversely affect possibilities of "public policing" among urban Natives (see this report, p. 91). Yet this conclusion may in some cases be unwarranted. The available evidence suggests that extended kinship ties, and interpersonal relations which tend to gravitate around female-focussed native enclaves, often mediate and punctuate male forays into the city and therefore bind them to native social networks (McCaskill, 1982). According to the Ontario Task Force Report.

> The fact that 30% of Native people move alone while only 12% live alone suggests that there is a social network in the urban areas whose support can be relied on to soften the impact of a move to an urban centre. Given the low earning power of migrants, it is perhaps the existence of such a network which makes an urban move possible (1982: 19).

It should not be assumed, therefore, that native kinship organization or other forms of native association invariably break down under the impact of urbanization and modernization (cf. Vanderburgh, 1982: 22). As comparative research demonstrates, traditional enclaves are integral to the modernization process, making adaptation possible through the balancing of new work patterns (and educational experiences) with more traditional kinship and other ties (e.g. Prattis, 1978; Young and Wilmott, 1957). Thus, native relationships in the city may reproduce aspects of more traditional or rural patterns of social participation and interdependence (e.g. McCaskill, 1982: 86-89). Therefore, some of the policing conditions of urban Natives may parallel those found in some rural settings.

Such conclusions are tentative and perhaps somewhat speculative as very little research has been conducted in this area. However, the point needs to be stressed that urban police policy and programs should not assume uniformity with respect to the policing problems and needs of urban populations with significant percentages of Native people. It follows that a standard, urban model of policing (i.e. the crime control model) may be inappropriate to the situation of many urban Natives whose organizational base may be better suited to alternative forms of policing.

SUMMARY AND CONCLUSIONS

Prevailing philosophies and methods of organizing native police services in Canada must be reappraised. Critical scrutiny of the crime control model of policing reveals a number of inherent limitations and difficulties in the current theory and practice of police organizations that render further development of the model highly qustionable. More importantly, culturally determined definitions of police organization and service delivery raise issues concerning the appropriateness and utility of applying certain non-native policing models to culturally unique native communities. These issues are intensified and complicated by changing legal, political, economic and demographic factors that exert pressures on Natives and government to consider a wider range of more flexible, situationally relevant and appropriate native policing arrangements.

PART II: ALTERNATIVE NATIVE POLICING MODELS

1. PRELIMINARY CONSIDERATIONS

If change and innovative reform in native policing arrangements are to be seriously considered by policy makers and program developers, we must be clear about why such change is necessary, what types of change are implicated, and which arguments might reasonably be advanced for delaying or resisting change.

Why Change is Necessary in Native Police Policy and Programming

By and large, current native police programs are modelled after the organizational structure of non-native police institutions. However, the discussion in Part I of this chapter has drawn attention to the problematic status of the crime control model as a guide for the development of native policing arrangements. Culturally, it does not appear adequate as a model for policing in non-native society; nor is it consistent with the policing values, cocnepts and expectations of many Native people. Legally, it may create confusion and resistance among Natives through the enforcement of culturally incongruent or unfair sanctions which in turn may pose serious threats to its legitimation by Natives. Politically it can become an important symbol of enforced paternalism and dependency on government, while it conflicts with the efforts of many Native people to re-create their cultural heritage and satisfy their aspirations for "autonomous", accountable native police services. Economically, the viability of the crime control model is questionable. And demographically, it may simply contribute to the further overload of a criminal justice system already saturated with native inmates.

The Types of Change Required

The influence of Western-urban or crime control models of policing on evaluations of native police programs is apparent. Significantly, program

evaluations have concentrated on upgrading the scale of police administration and operations as a remedial strategy for native policing. This includes developing and expanding current programs by:

(1) improving the quantity and quality of native police through more effective recruitment strategies and better training programs;

(2) providing more adequate and sophisticated technological support systems; and

(3) overhauling the bureaucracy in order to facilitate internal organizational coordination of activities and articulate police role responsibilities and job definitions.

However, there is no convincing evidence that changes of this order necessarily improve actual service delivery or its efficiency and effectiveness (Murphy and Muir; 1984:209-210). In the native situation, for example, the results of program evaluations in these areas indicate either marginal or ambiguous improvements while in some cases they are simply unknown.

In contrast to this emphasis on 'technique' (Ellul, 1967) far less attention has been devoted to the relationship between the how (i.e., the organization and methods of police service delivery) and the why (i.e., the purposes for which the police are or should be created) of native policing. On the basis of available criminal justice statistics and the results of research on Natives and the criminal justice system, it may reasonably be concluded that the primary purpose of policing many native communities should be to maintain law and order, with a supplementary emphasis on general police services. While the crime control model of policing does not exclude, in practice, policing functions of this nature, it does entail a police agency that is organized primarily for the different purposes of crime fighting and law enforcement. It follows that the type of change in policing arrangements appropriate to many native commmunities should focus, first of all, on alternative policing models and organizational structures.

Possible Obstacles to Change in Native Policing Policy and Programming

The evidence and arguments presented so far provide a reasonably sound rationale for a fundamental change or redefinition in approaches to native policing. However timely, changes of this order are likely to be clouded with uncertainties and doubts, and may at certain stages be unpredictable and/or costly. As Steenhoven (1959: 64) puts it, projects of this order presuppose "... a certain sense of confident - though reasoned - adventure which is not always the most characteristic feature of any administration". For some, the "adventure" may carry an element of intolerable risk, especially where native communities are experiencing rapid social, political, economic and demographic changes. As experimental models, new approaches to native policing may be swept away in the flood of contextual irrelevance and other inadequacies. Furthermore, it is not clear that things would improve under alternative arrangements: for example, criminal justice statistics for Natives might be even worse if native police programs were not in place in their present forms. Insofar as new approaches require institutional change, it may be necessary to sacrifice a measure of consistency with the present punishment-oriented justice system. Such change may be welcomed by neither complementary institutions in the criminal justice system (e.g. courts, correction centres) nor those who have a vested interest in preserving "established" institutional traditions.

Yet the costs of policy and program inertia in the area of native policing may be difficult to bear. Some native police programs have already been declared "politically defunct" by certain native organizations (e.g. Native Counselling Services of Alberta, 1980) while others have experienced shaky economic histories and/or serious interruptions or abdications (e.g Singer and Moyer, 1981; Woods Gordon, 1982). Within the criminal justice system, other institutions are also under review. Especially significant are proposed "innovations" in Canadian criminal law that focus on addressing the needs of victims of crime, a theme that is more characteristic of native than non-native concepts of justice (Marchant, 1985: 18).

Thus, all forms of policing, "old" and "new" are subject to changing environmental demands and pressures. However, the key in coming to grips with this issue lies not so much in the search for an ideal programmatic approach to native policing but in identifying those principles of police organization and service delivery that facilitate adaptation to local fluctuations and diversity. While support for change in the nature of police services and the method of their delivery may not be forthcoming in some native jurisdictions, the response to change is likely to vary substantially in others. Put more concretely, where "crime fighting" may be a necessary emphasis in some situations, it may be woefully inadequate and inappropriate in others. As a planned approach to these issues and problems, community-based policing models are especially relevant for native communities.

2. COMMUNITY-BASED MODELS OF NATIVE POLICING

As a philosophy and conception of police organization and service delivery, community-based policing represents a significant departure from conventional crime control models of policing. In general community-based policing promotes a closer association between the police and the community by structuring their mutual involvement in policing according to a number of key principles.

(1) Principles of Community-Based Policing

The Locus of Policy Formulation, Decision Making, Control, and Accountability

Unlike the crime countrol model of policing, which encourages independent policy formulation and decision making by the police department, community-based policing promotes cooperation and mutual participation in the policing process where policy, administrative and operational decisions are influenced by and negotiated with the local community. As a result, the community is encouraged to play a more active and influential role in the management and delivery of police services. As Murphy and Muir (1984:119) put it,

> A community-based philosophy of policing does more than simply acknowledge the supporting role of the community, but suggests that the community has a legitimate and important role in the decision-making process of administrative policy making where general priorities, resource allocation and service style issues are involved.

The question of the community's legitimate place in decision making and control of police services raises the issue of the development and implementation of a political framework within which meaningful, recognized and effective dialogue between the police and the community may take place. Community-based policing advocates an approach that identifies the police as an agency or service of community government (Murphy and Muir, 1984:118). By insisting on a locally defined

administrative status for the police, community-based approaches to policing locate funding, support and accountability mechanisms within the boundaries of the local community. More importantly, given the broader social definition and public expectations of the police, police functions are put into a more appropriate operational persepctive as a matter of policy. Not solely a legal instrument of the criminal justice system designed primarily to combat crime, the police also perform a variety of tasks and roles consistant with their local socio-political status. Consequently, a philosophy of community-based policing reasonably expects a balance of police responsibilities, especially between their responsibility to the law as law enforcement officers and to the community as delivery agents of a local, institutionalized service dedicated to the community's policing needs and concerns.

Policing Objectives and Goals

Since it subscribes to a philosophy of policing that is committed to the general protection of society, community-based policing defines its objectives and goals within a broad social context. This implies a more balanced consideration and application of all policing functions according to the logic of the social situation. Thus, while crime control remains as a significant function of community-based policing, it is not stressed, a priori, at the expense of general policing. The appropriate objectives of policing, rather, vary with local circumstances while the relative importance of policing goals is determined in view of community needs, preferences and priorities. Thus, community-based policing promotes the idea of policing as an exercise in <u>community</u> problem solving rather than exclusive <u>police</u> problem solving, with the police defined as a problem solving agency or arm of the community.

Given its general orientation to substantive problem solving in the community, community-based policing operates under a broad, socially-defined mandate to control crime, maintain peace, order and security in the community and to perform other service functions that enhance the quality of life in the community and help to preseve its integrity.[14]

The Nature and Scope of Police Roles

Studies of non-native policing suggest that police roles are defined and shaped by a wide variety of tasks and services that consistently relate public demands for service and public definitions and expectations of the police to actual police activities. "On the basis of these findings, police work emerges as being diverse in nature, complex in task assignment and reactively structured" (Murphy and Muir, 1984:122). While crime control is seen by the public as the most important police function (ibid.:123), a narrow definition of police roles that focuses exclusively on crime control and law enforcement ignores the fact that most police work involves other tasks and functions. Significantly, these fall within normative definitions of police roles that are shared by the public and many police officers alike (op. cit.). Thus, insofar as a community-based approach to policing acknowledges the diverse nature of police activities, it provides for the legitimation of the police role as multi-purpose.

This is especially important where the objectives of policing are broad and socially defined, since a multi-purpose role can accommodate the necessary flexibility in police functions required to achieve them. Similarly, a multi-purpose police role is more adaptable where social conditions and service demands are constantly changing.

It follows that the question of which police role function should receive priority and to what extent is an issue central to community-based policing and one that distinguishes it from conventional conceptions of policing where the primacy of crime control is predetermined. Thus according to community-based policing models, the delivery of the right police service is predicated on cooperation and communication between the police and the community which determine policing priorities or sets of priorities that are most likely to satisfy or are most appropriate to the policing needs and requirements of the community. Therefore, the concern of community-based policing is not to emphasize any particular police function outside its social context, but to maximize consistency between

police priorities and community needs. As a result, differential emphasis may be placed on any one policing function or combination of functions as the characteristics and needs of the community vary and change.

Interdependency and Responsibility for Policing

Community-based policing models see the police as agents of social regulation and control by the community, in contrast to conventional policing models that encourage regulation and control of the community by external, independent police forces. By operating with and through the community, community-based policing is not only more likely to consolidate its position and standing in the community, but may be able to mobilize more effectively the policing resources of the community itself, such as informal sanctions and alternative forms of institutional intervention. This prospect is especially encouraging in view of increasing environmental pressures and changing social demands on police organizations and service delivery. For example, as public demands for police services rise, a policing "partnership" with the community may offer the police an attractive alternative to either failing to respond to many calls for service or requesting more financial resources from an already exhausted public purse. Similarly, increasing dependency on the police to resolve matters of crime and disorder in the community seriously affects the economics, adequacy, efficiency and effectiveness of service delivery. Research indicates that as the police assume greater and greater responsibility for all aspects of policing, communities and individual citizens become less willing to participate in community mechanisms of social regulation and control. "This has resulted in increased resources and manpower for the police but not necessarily in higher levels of social control and order in the community" (Murphy and Muir, 1984:126).

As a corrective to this situation, community-based policing advocates the recognition of a special formal status for the police that complements and/or supplements the informal status of local control mechanisms within a wider community system of policing. Since they have unique access to the law, and the authority to exercise force when required, the police are able

to deal with problems that exceed the capabilities and competence of the community to police itself. Most policing situations, however, are of a more general nature and at least potentially within the realm of effective community sanctions that may be administered at social, religious, economic, political and other levels. Thus one of the principal purposes of a policing "partnership" between the police and the community is for the former to activate, support and reinforce the self-policing capabilities of the latter through educative, referral, preventive and various other planning strategies. The police, therefore, are not led to abandon their general, multi-purpose role: rather, they are leading figures in a policing system that provides for a more efficient and possibly more effective allocation of policing resources, especially under conditions of relative scarcity.

How well such systemic interdependence works out in practice will depend to a large extent on the organizational status of the community in question and the ability of the police to capitalize on it for the purposes of creating a more comprehensive police/community response strategy. In concert with the police, a well-organized community with adequate economic and social resources is likely to be in a good position to effectively respond to, or direct police responses to, the policing needs of the community. At this level of interdependency, the community and the police may mutually influence the organizational status of the police and the style of policing by negotiating ways to coordinate problem definitions and identification with the appropriate purpose and method of service delivery. More generally,

> As catalysts for community self-policing, the police not only enhance their own effectiveness but perhaps in a real way, help create and sustain a conception of community responsibility that is the only real basis for the maintenance of peace, order and security in a society (Murphy and Muir, 1984:128).

Reactive and Proactive Policing as Principles of Police Service Delivery

Conventional police departments tend to regard more passive policing strategies as a central and necessary element in the organization of service

delivery. For example, the following sequence seems inescapable when understood in terms of a rapid response management philosophy: problems surface in the community, the police receive calls for service and they respond accordingly. While this "reactive mode" of service delivery is both desirable and realistic under certain unanticipated "crisis" situations, it may be inadequate, inefficient and ineffective if it becomes the exclusive organizing principle for the delivery of police services.

Theoretically and practically, responding to all calls for service may be impossible or involve considerable delays when the volume of calls exceeds available manpower and resources to respond immediately to them. Similarly, police priorities may classify certain calls as of secondary or peripheral importance. As a result, police response to some calls for assistance may be either held in abeyance or entirely ignored as a matter of police policy, practice or resource contraints. There are, however, more subtle implications of simply responding to service calls, with variable rapidity, on a day-to-day basis. A reactive police posture tends to foster contingent definitions of police work. While sometimes satisfactory for dealing with isolated occurrences, contingent definitions of policing are neither oriented to wider environmental factors that directly or indirectly generate policing problems nor conducive to more systematic and planned approaches to community problem solving (Murphy and Muir, 1984).

As an alternative to exclusively reactive styles of policing and police service delivery, community-based models introduce a sgnificant measure of forward planning and anticipatory exercise into policing which provide the foundation for a proactive police role in the community. In order to address more effectively the nature and scope of community policing problems, community-based policing encourages the development and implementation of long-term preventive policing strategies and programs. As response options, these should be aimed at broader policing issues in the community that, while not immediately apparent, provide the origin and context of more visible and particular policing problems.[15] Under most conventional organizational forms, the police are usually limited to dealing with the particular symptoms of crime and disorder as they appear on a

daily basis and are rarely involved in exploring and addressing their patterns and causes (Murphy and Muir, 1984).

Traditionally, the police have been reluctant to engage in this type of proactive activity, especially in a community context, and as a result the efficiency of service delivery organization has suffered. Murphy and Muir (1984:129-130) elaborate on this point and draw attention to some of its implications:

> ... the police possess a degree of insight, information and expertise that is under-utilized by a rapid response management philosophy. Often overlooked by problem experts and seldom consulted by community agencies, the police generally have remained content to do what is formally requested of them and little more. Rarely will police administrators publicly identify social problems in a community, despite often being the only agency with a firsthand knowledge of an emerging problem. For example, the police were well aware of wife abuse, child abuse and drunken drivers long before they became political issues brought to public attention by other groups or agencies ... @thus£ the police, though perhaps knowledgeable about a substantive problem area, are sometimes seen as unresponsive and insensitive, rather than as a valuable source of community expertise and information.

In order to make efficient use of these police resources, community-based policing provides an appropriate context in which the police, together with the community, may identify and expose social problems in the community and stimulate the necessary action to resolve them. By assuming and cultivating a leadership role in community problem solving, the police are in a position to activate, guide and assist the community in defining, identifying and managing community policing problems. In concert with the community, the police take the necessary steps to go beyond conventional police-initiated strategies that deal directly with crime by extending their resources and manpower into areas that have indirect impact on community policing problems. These areas include crime prevention, both within and outside the criminal justice system,[16] public education (especially where public awareness of crime and order problems and how to deal with them is minimal or non-existant) and referral to other agencies or social support systems (Murphy and Muir, 1984:130,131).

Community-based policing therefore recognizes the necessity to deal directly and indirectly with crime and disorder issues in a community context. Accordingly, the police should retain the capability for effective incident response, but at the same time broaden and develop the range of response options open to themselves and the community. These response options include proactive policing activities that encourage alternative forms of institutional participation in the policing process, and community programs and services that enhance public responsibility and credit for the resolution of community policing problems.

(2) The Relevance of Community-Based Policing Concepts to the Policing of Native Communities

In recent years, debate over the social role or mandate of the police and its underlying philosophy has compared the benefits of community-based approaches to policing with those of more conventional crime control models. In general, the debate has focussed on the question of which role model best fits contemporary policing. This issue, as Murphy and Muir (1984) point out, is not strictly an academic one: from alternative role definitions flow different organizational structures and objectives, social responsibilities and policing priorities that impact on the status of the police in society. Proponents of community-based policing have challenged crime control conceptions of the police by arguing that narrow, crime-fighting definitions of the police role are not always consistent with the realities of police work. As a result, they have urged a redefinition of police roles that can accommodate a wider range of role functions and policing objectives more consistent with the actual duties and activities, as well as public definitions and expectations, of the police. In order to strengthen the argument, proponents of community-based policing have drawn particular attention to the economic issues involved: ultimately, the question is whether community-based policing can more efficiently and effectively allocate scarce policing resources to alternative policing objectives and goals (Murphy and Muir, 1984:107) that are increasingly being recognized as socially determined.

While the debate has generated an extensive literature with important implications for policing in Canada, few theoretical arguments and little empirical research may be found that deal specifically with the case of native policing. This oversight raises an obvious question: as a non-native initiative, what relevance does the promotion of community-based policing have for the policing of native communities? More specifically, do the same arguments advanced for the place of community-based policing models in non-native communities apply to native communities, and if so, with what force? Alternatively, how do the conditions of native policing facilitate or inhibit the implementation of community-based policing

strategies in native communities?

The Case for Community-Based Policing in Native Communities

At issue is whether the crime control model or an alternative, community-based approach to policing can best meet the policing needs, priorities and preferences of native communities. There is no question that the crime control model shapes and directs policing practice in native communities. Both criminal justice statistics and research on native/police relations demonstrate, either directly or by implication, that police agencies responsible for the policing of native communities emphasize law enforcement and the apprehension of native "criminals". However, the evidence indicates that there is a serious discrepancy between current police emphasis on crime control and the range of policing problems to be addressed in native communities. In general, natives experience relatively low rates of serious crime, while problems of social disorder tend to predominate. It follows, then, that practitioners of the crime control model will find it especially difficult to provide an integrity between the model's emphasis on police work — "to control crime through law enforcement" — and cases where the major policing need and priority in native communities have their focus on social issues. Thus, like non-native communities, native communities require police services that are based on much broader, socially-oriented police roles and functions. The main difference in their requirements at this level is mainly one of degree: there appears to be a more pressing need for law and order maintenance in native communities, taken as a whole, than in non-native communities. However, this should not obscure the fact that local variations and change in native policing problems and priorities occur, sometimes at an astonishing rate (e.g., Finkler, 1976). One of the major advantages of community-based policing is that it tempers its orientation to general policing (including law and order maintenance) with a pragmatic concern for fluctuations in policing realities. Thus, as a response strategy for native policing, community-based policing promises the necessary scope and flexibility in police role definitions in order to remain consistent with

variable and changing native needs and demands for police services.

Since native cultural standards are not necessarily those of non-native majorities, norms and institutions, the very definition of the police and policing under a non-native crime control model often excludes native preferences, priorites and traditions. Politically, this is a crucial point. When Natives argue for government services on the basis of cultural differences between Natives and non-Natives, or among native groups themselves, the legitimacy of the argument is generally accepted by all interested parties. Supporters and practitioners of the crime control model have responded to this political and cultural challenge by indigenizing aspects of the model's administrative and operational apparatus, particularly at the levels of special programs and/or contingents and recruitment of native personnel. While indigenization may lead to more proactive, culturally-sensitive policing in some native communities, research indicates that it is often socially problematic while politically, there is no necessary transfer of certain vital native cultural interests in policing to the mandate of an indigenized crime control model of policing. Usually, the latter remains committed to non-native policing priorities such as the enforcement of non-native laws and the pursuit of native criminals. Or it concentrates on lower order "native-oriented" priorities such as law and order maintenance, that are placed within more limited, and/or peripherally-defined areas of policing that restrict the policing authority and powers of "indigenized" police and sometimes undermine the integrity of their status in the community.

As an alternative approach to the cultural issue, community-based policing defines its objectives and priorities in relation to the policing problems and needs that may be determined and identified according to local native cultural circumstances and standards. It should be emphasized here that community-based policing does not attempt to recreate the forms and methods of policing that were practiced by Native people prior to or in the early stages of European contact. Nor would there be much point or probability of success in attempting to do so. Despite the general validity and tenacity of many native cultures, changes in environmental conditions strongly suggest that

strictly traditional modes of native policing may be inadequate or inappropriate to deal with new and changing patterns of native crime and deviance (Delisle, 1984:144; Griffiths and Yerbury, 1984:157; Van Dyke and Jamont, 1980:111). Rather, by the logic of its own principles, community-based policing accepts the fact that the range of native cultural or ethnic traditions and associated policing interests is quite broad: hence it anticipates that different groups will shape their police service organization and delivery mechanisms in different ways that reflect local values and institutions in their specific details. Therefore, the community-based policing model envisions a situation of cultural pluralism with respect to the forms of policing in native communities.

While not immediately denying the cultural aspirations of Native people, tough opposition to this approach can be expected in view of its possible political and legal implications for structural pluralism in native policing arrangements. More specifically, the issue becomes focussed on the question of what level of legislative authority is deemed necessary to protect and develop native interests in the policing of their communities that does not at the same time compromise the values and principles of a democratic Canadian state.

It will be recalled that non-native models of community-based policing assume an identification of the police with a service or agency of local community government. In the native situation, this may be difficult to achieve. Although Inuit proposals for a legislative authority (i.e., Nunavut) are enhanced by favourable demographic and territorial conditions, many Indians and Métis do not have a recognized land base upon which to transfer legislative authority, while many Indians live on reserves that are of insufficient size and/or economic potential to make such legislative authority viable. Significant changes in these factors[17] could, in some cases, stimulate or promote both the development of native self-government and a local administrative status for the police. But it is far more important at this stage in the political evolution of native/non-native relations to emphasize the flexibility of community-based policing models in the face of particular variations and changes in the social,

political and legal circumstances of native communities, and their relation to the more general issue of societal scale.

Much of this flexibility stems from the substantive problem orientation of community-based policing in combination with the requirement that the police and the community be mutually involved in the resolution of community policing problems. It is especially significant and important that the police respond to infractions of community social and legal orders that pose a threat to the welfare of the community and/or its individual members. Therefore, the police must be capable of acting in terms of legitimate native categories or customary law that define crime and disorder problems in the community and identify appropriate institutional and/or informal modes of responding to them. Besides welding the interests and priorities of the police to community concerns, the willingness of the community to share information on these issues with the police may have additional payoffs for the effectiveness and efficiency of native policing: when community policing problems, needs, priorities and preferences are known to the police, the commitment of the right policing resources to the appropriate responses is likely to follow.

Self-governing native communities may be in a better position than more politically-dependent ones to ensure this type of cooperation and mutual involvement between the police and the community since the former would have the authority to provide greater integrity between locally-relevant legislation and primary police operations. For federal authorities, the legal and political issues that arise in the context of decentralization and community-based policing will primarily concern the appropriate legislative approach to the structuring and implementation of native policing institutions as aspects of native self-government. However, political decentralization of this nature may not be possible for many native groups, especially those in small-scale communities, that are unable or perhaps unwilling to develop "autonomous" native government institutions because of inadequate human and/or material resources or community infrastructures (see Gerber, 1979). While obstacles to native self-government might appear to have a negative impact on the development of community-based policing for native communities, it should be emphasized that the case for a

community-based approach to native policing may be argued on the basis of other issues that highlight other aspects of the model's potential for certain native communities.

As stated previously, small-scale native communities present a particular category of policing problem under conventional crime control approaches: they are difficult to police in practical and economic terms. Furthermore, despite increases in financing and manpower, the crime control approach to native policing has not been proven to reduce levels of native crime, nor is it necessarily linked to higher levels of social order in native communities. Thus it is a risky proposition to provide additional police resources for the further development of an already questionable and costly mode of native policing. Indeed, these considerations may simply force government authorities to place the question of policing these types of native communities within the perspective of community-based policing requirements and strategies. By reinterpreting some of the spatial and social aspects of small-scale native communities in a more positive way, community-based policing may provide a more practical and economical means of policing otherwise "difficult" native communities.

Significantly, small-scale native communities such as many Indian reserves, Métis settlements/colonies or some urban native enclaves localize native groups within clearly defined boundaries. Native spatial organization, therefore, is conducive to both the identification of the community being policed and native participation in the organizational structure of the police. Similarly, small-scale communities may be more successful than larger, more complex settlements in policing themselves on the basis of their own social resources. Comparative research (e.g., Schwartz, 1954) suggests that small-scale, internally interdependent communities are more likely to develop effective informal social sanctions than formal, fiscally-dependent legal institutions to control deviance and resolve issues of social disorder. Under these or similar conditions, community-based policing is favourably poised to animate the self-policing potential of small-scale communities and, therefore, provide scope for more

economical and practical policing strategies.

These research findings also have important implications for the political and legal requisites of native policing in Canada. While renouncing the entire non-native legal dimension of contemporary native policing would be ill-advised under a community-based model of policing, the social possibilities for general policing in some native communities may indicate new directions for native police policy. The corresponding legislation would then be concerned with promoting, supporting and reinforcing native social institutions in the organization and management of native police services. Far from advocating an extreme cultural relativism that entails the political and legal separation of native from non-native institutions (cf. Keon-Cohen, 1981) a community-based model of policing implies incremental changes in legislative categories and their application to native communities that enhance the development of customary law, native diversion "programs", etc. Such changes, however, should not infringe on the basic, universally recognized, legal status of the police that provides a significant measure of political independence from local political biases that may emanate from the community. Indeed, the necessity to retain this feature in models of community-based policing may be more fully appreciated where responses to the authority and operations of the police are decidedly ambiguous. By allowing the police to act independently of local community interests, where appropriate, community-based models of policing attempt to: (a) minimize the chances of local, capricious political interference in policing that may arise as a result of competing and/or conflicting interests; and (b) maximize consistency with federal or provincial legislation where these reasonably take precedence over local community preferences. While far more comprehensive political and legal changes may be entailed by the adoption of a self-government formula for native communities (e.g, Marchant, 1985) similar principles would apply in order to provide the necessary legal and political articulation between different levels of government.

Summary and Conclusions

Although the adversarial approach to policing is deeply rooted in the norms and institutional traditions of Canadian (or "Western") society, ongoing discussion and research have raised questions regarding its utility and appropriateness as a model for contemporary and future policing in Canada. As a result, there has been a growing commitment among some students of non-native policing to confront the issue of police innovation and reform in terms of alternative, community-based models of policing. The need to consider the implications of these developments for the policing of native communities has, however, only recently been recognized (e.g., Griffiths and Yerbury, 1984:157; Marchant, 1985: 20-21). While critical comment on the status of the crime control model of policing in native communities has been far more limited, it is becoming increasingly evident that, despite programmatic amendments and concessions, the crime control model of policing has frequently failed to define policing arrangements in terms that are acceptable to many Natives. Consequently, there is an increasing danger that the harmonization and regularization of native policing under the crime control model will be to the detriment of both particular native communities that demonstrate variable policing problems, needs and priorities under a variety of complex and changing environmental conditions and policy makers who strive to achieve a measure of continuity in federal native police policy. Indeed, conflicts over native police policy preferences inhibit the negotiation of multi-lateral agreements among government, police agencies and native communities, and create an air of uncertainty which is a further constraint on adequate forward planning and the cost-effective investment of policing resources.

As a conceptual model dedicated to the improvement of native police services and the general relationship between Natives and the Criminal Justice System, community-based policing has been promoted as a policing strategy that uniquely serves the interests of particular native communities in the policing enterprise while maintaining a significant level of consistency with more general federal and provincial policy considerations. On the one hand, since its principles of organization are

flexible and pragmatically oriented in their application to substantive policing problems, community-based policing is more likely to reflect the cultural, political, legal, demographic and economic prerequisites and constraints of a wide range of native communities. On the other hand, since its principles of organization appear cross-culturally valid, community-based policing has a direct bearing on the development of generalizable native policing models that are of interest to policy makers and program planners.

Beyond these considerations, community-based policing concepts and practices may be instrumental in resolving, for the purposes of policing, the historical opposition between equality or special status of government services and programs for Native people. Under a community-based policing strategy, the difference between these apparently mutually exclusive positions may be reduced to one of culturally-specific emphasis, as Natives pursue and shape their policing arrangements according to principles that under non-native conditions manifest somewhat different organizational forms.

FOOTNOTES

1. Significantly, "... police training is almost exclusively oriented towards crime-related skills and neglects the social service and order maintenance skills that constitute the bulk of actual police work" (Murphy and Muir, 1984:113).

2. 'Kinship distance' refers to both the form (e.g., partilineal, matrilineal) and degree (e.g., brother, cousin) of kin relationship.

3. For a general discussion of these issues, see Fox (1967).

4. For example, a murdered wife might be replaced by the murderer's kinswoman (e.g., sister, cousin) after which marriage and/or other gift exchanges would serve to further appease the victim's group and/or "heal" community relations between groups and individuals.

5. In general, the law: (1) describes the scope of conduct permitted or not permitted to members of the public and classifies those behaviours and acts that may come to the attention of the police; (2) defines the different jurisdictional dimensions – territory, persons, subject matter – that circumscribes the authorized conduct of the police; and (3) specifies the consequences of compliance or non-compliance with the law and therefore the form of justice response. For a more detailed discussion of these issues in the native context see Marchant (1985).

6. For example, in the case of enclaves where traditional structures provide a source of interdependence and support as well as a sense of worth, identity and gratification that cannot be met, for most Natives, by blunted participation in the wider Canadian society.

7. The status and role of the police may become a focus of ethnic boundary maintenance. Hostility, abusive joking and adversarial postures vis-a-vis the police may be the only means through which

some Natives may express ethnic differences and therefore maintain ethnic boundaries and identity (see Finkler, 1976; Morinis, 1982; cf. Prattis, 1980).

8. See, for example, the Penner Report (1983).

9. For example, the imposition of municipal-type models of government and non-native laws on native bands.

10. Where native rights take precedence over existing legislation, even greater pressures may be applied on government to reform native policing policy.

10. Quite the opposite is suggested by the federal budget, which proposes, as a general austerity measure, to cut approximately $300 million form native programs. However, negative reaction to the proposals in the House of COmmons, for example, indicates that this strategy is more a political liability than an economic necessity.

11. In Saskatchewan, for example, reserves with populations of 500 or less do not seem to qualify under the Saskatchewan Police Act as having sufficiently large enough populations for local police forces (FSIN Study, 1984:67).

12. Although the relevant data are not available, it is likely that these demographic conditions have their parallels in other sectors of the native population (e.g., non-status Indians, Metis and Inuit).

14. These functions may range from giving social assistance to the disabled or elderly, to the protection of such constutional guarantees as human rights.

15. Consider, for example the types of deviance – drug abuse, vandalism, assault – associated with the social and economic dislocation of young adults under rapidly changing family, educational and market structures.

16. Crime prevention strategies within the criminal justice system might include: (a) directed patrol strategies that utilize police and/or community information sources and expertise in planning systematic police activities as an alternative to more routine, relatively unstructured patrols; and (b) foot patrols designed to establish and maintain effective working relationships with the community and generally improve police/community relations (Murphy and Muir, 1984:293-302). For a discussion of public prevention measures, see Hylton (1982).

17. For example, the settlement of land claims and native control over certain economic resources, and the growth of reserve and other native community populations.

CHAPTER 4: CONCLUSIONS AND RESEARCH DIRECTIONS

This report has examined the status of native policing in Canada through a comprehensive review of the relevant published and unpublished literature. In addition, it has discussed the policy, program and research issues involved. Its principal aim has been to provide a broad integration of the diverse factors and considerations that ought to be acknowledged by those pursuing initiatives and further developments in the area of native policing.

There is little doubt that these will be forthcoming. The enhanced political status of native groups in Canadian society promises a redefinition of many services and programs, now provided by the federal government, in more direct native terms. In some cases, this may involve the recognition of diversity in native needs, preferences and traditions as the proper context in which to approach and attempt to solve native problems. While the full impact of these developments on native communities has yet to be registered, their implications for the issue of native policing seem clear: many native policing authorities will be compelled to seriously consider policing arrangements that do not compromise the cultural and political aspirations of native communities when they are in the process of redefining their relationship to the criminal justice system.

The question of what form this redefinition should take cannot be answered without an adequate comprehension of the nature and scope of the native policing problem, the range of alternative policing models that might be applied to solve it and the impact of wider environmental forces that constrain and limit their application. As a danger exists that some decisions about policing arrangements for native communities may be made on the basis of too narrow considerations, the critical issues discussed in this report bear repeating while their implications for further research need to be outlined.

I. NATIVES AND THE CRIMINAL JUSTICE SYSTEM

Analysis of the available criminal justice statistics reveals some significant themes in native offender patterns and police practices in native communities. While data on native and non-native incarcerations show similar offender profiles, Native people are consistently over-represented in Canadian correctional institutions. Other evidence also suggests there are significant variations in levels of crime and deviance among native communities as well as disproportionate levels of alcohol-related offences in some native localities. As a result, the substantive policing problems that may be found or expected in native communities may vary considerably, with some areas especially subject to disruptions of the social order. However, the disproportionate arrests of Natives, as revealed through an examination of law enforcement statistics, suggest that the actions police take against Natives may often be incongruent with the nature of the policing problems to be addressed. In some cases they may also be discriminatory. More importantly, the data indicate that the crime control model of native policing, in conjunction with certain legislative constraints, may itself be "criminogenic" insofar as it leads to the over-policing of Natives and their unnecessary involvement in the justice system.

While the majority of native offences seem indicative of social as opposed to serious criminal problems in native communities, differences in the levels of criminal and non-criminal activity may be observed when particular native communities are compared. However, when the police promote, either ideologically or in practice, a narrow focus on crime control in native communities, there is a danger that the range and variability of native policing problems may be overlooked. This seems to have the unfortunate consequence of under-policing in native communities or the under-utilization of police services by Natives.

The above conclusions, based on an analysis of criminal justice statistics and supporting evidence, draw attention to the possible inappropriateness and inadequacies of current police service delivery systems for some native communities. As a result, they indicate a need for developmental initiatives in native police policy and programming. These

might include a greater emphasis on non-crime police functions that focus on law and order maintenance, and more flexibility in service delivery systems in view of the types of law enforcement contingencies encountered in native communities.

These conclusions and recommendations are, however, tentative since an exclusive reliance on official incarceration and law enforcement statistics does not necessarily lead to a full appreciation of the total range of native "offences" or the place of the police in native communities (e.g. Jolly, 1982: 1; Nelson and Shelley, 1982: 78). Therefore, more reserch is required on the status of native offenders and police roles and functions in native communities to demonstrate precisely what police work means to particular native communities in social, cultural, legal and political terms. In particular, this question requires a research focus on:

(1) the nature and extent of unreported crime in native communities and its consequences for community and individual welfare;
(2) the potential and actual forms of self-policing in native communities; and
(3) the needs of native communities for external police intervention an local preferences for alternative intervention methods and styles.

It is also important to address more particular categories of concern, especially the policing circumstances of native women and Natives other than reserve Indians. Unfortunately, the policing situation of off-reserve Indians, Métis, non-status Indian and mixed Native communities has been largely neglected as there are few programs tailored to their policing needs. Futhermore, there is a general lack of informative case studies that deal specifically and systematically with these issues (cf. Loree, 1984). Similarly, the policing situation of Inuit communities has received only minimal attention at the levels of research, program development and policy.

The dilemmas faced by native women in the criminal justice system cannot be overemphasized as a research priority in the area of native policing. The disproportionate involvement of native women in the criminal justice system appears to exceed the corresponding rates for

native men and non-Natives. This may be traced to higher levels of alcohol-related offences among native women, as well as their greater tendency, when compared to non-native women, to be arrested for default of fine payments (LaPrairie, 1984: 164). These facts suggest that conflict with the law and law enforcement agencies among native women may be based on more pervasive or severe social and economic problems than those of native men or non-Natives. Therefore, native women may have a greater need for socially-informed intervention services. Furthermore, the fact that male police usually arrest female native offenders raises the policy, program and research issue of male bias in the policing of Native people. Although the general impact of police ethnocentrism and discrimination on Native people has been identified as a problem category by policy makers, program developers and researchers (e.g. Haveman et al., 1984) far less attention has been devoted to the specific impact of male/female relations on native policing in both rural and urban settings. To date, policy initiatives that promote the participation of native women in the policing process have been limited to the occasional minor recruitment of female native police officers to indigenized police forces. However, no research has fully explored the impact, benefits or potential of this or similar strategies for the policing of native communities. There is, therfore, a need to emphasize the place of native women in all aspects and at all levels of the native policing enterprise.

II. THE INDIGENIZATION OF POLICING

As the principal policy strategy for native policing, indigenization of the police is based on the assumption that native police officers may be able to bridge cross-cultural differences between Natives and non-natives in the policing process and improve the relationship between native communities and the criminal justice system. However, the results of native police program evaluations have neither fully confirmed nor disconfirmed these assumptions. On the one hand, most native police programs of this category have not been subject to systematic evalaution research. On the other hand, the ambiguities, contradictions and inconclusive evidence that characterize otherwise optimistic assessments of

indigenized police program performance may be traced to certain limitations at the level of research methodology.

Although some of the research issues discussed earlier have come to the attention of previous investigations, the latter have by and large been incomplete on methodological grounds. For example, all evaluations tend to ignore the general native population in the community or have failed to interview those Natives most likely to be affected by police actions — such as the less affluent members of the community. Instead, they tend to concentrate on samples of "knowledgeable" and/or accessible informants, such as chiefs, band councillors, native constables, and non-native police. While the opinions of these "key informants" constitute an important source of information on police program performance, it should not be forgotten that due to their structural ties with non-native society and power structures they may be predisposed to approve of the policing arrangements for their communities or jurisidictions (e.g., Steenhoven, 1959:64; Hedican, 1982:29-30). At any rate, anthropological field experience suggests that "key informants" do not usually come to the surface during brief visits to a native community, especially when researchers are non-native. Thus, the most serious gap in the evaluation and research literature is the lack of representative studies of community values, needs, preferences and traditions relevant to the indigenization of the police.

Nevertheless, existing research has identified a number of problem areas that also require further investigation. Some of the most important concern the recruitment, training and posting of native police officers. Non-native selection criteria, police socialization during training and induction of native officers into the police sub-culture raise policy, program and research issues concerning the cross-cultural integrity and status incongruency of native officers when policing native communities. A limited number of studies (e.g., Brass, 1979; Van Dyke and Jamont, 1980; Wachtel, 1983) conducted in Canada and the United States, that deal specifically with these and related issues, suggest these factors have a significant impact on the ability of native officers to effectively police

native communities.

Policy and research also need to address the question of whether a non-native conception of suitability to the police role should always prevail over native conceptions. Selection preferences based on native criteria may serve to activate or legitimate more traditional native policing roles and institutions where mastery of community standards may be far more appropriate and relevant to the maintenance of social order and the control of behaviour than professional police competence. Policy may wish to make allowances for other modes of recruitment such as being "called upon" by the community rather than rely on the results of competition among a wide range of applicants whose commitments to the values and standards of local communities may be questionable.

III. Native Policing Models and the Scope for Choice

Discussion of culturally-determined definitions of the police and policing draws attention to some fundamental differences between native and non-native approaches to the administration of justice at the community level.

Historically, native groups in Canada employed a significant variety of policing methods to regulate and control social behaviour in the community. However, despite their diversity, they were all based on cross-cutting systems of reciprocity. Consequently, in its traditional form native policing is shaped and directed by the interests of the wider community. In contrast, dominant contemporary non-native models of policing minimize the reciprocal elements and community orientation of native cultural definitions of policing. Through their own culturally-determined definitions, non-native police emphasize a level of independence from community social formations and interests that promotes the maintenance and development of separate police institutions whose roles and functions are defined and organized according to internal police priorities.

For much of their respective histories, the cultural evolution of policing in native and non-native societies has been distinct. It has been only within the last hundred years or so that their paths have crossed. However, culture contact has led Natives to surrender, either willingly or unwillingly, their policing authority in the community to non-natives. The police, for their part, have responded within the definitional constraints of their place in non-native society and culture. However, the limits of doing so are becoming increasingly apparent. Despite amendments and modifications to non-native urban policing models to control for cultural differences, the ability of the police to police native communities effectively, efficiently and fairly has frequently been placed in question. Natives continue to overload the criminal justice system in terms of disproportionately high arrest and incarceration rates while the enforcement of non-native laws in native communities remains problematic. Police often fail to mobilize the support of native communities as the tensions and frustrations of "hostile dependency" perpetuate police inefficiency and political discontent and protest among Natives.

Of critical importance to the improvement of this general situation is a need to find native policing alternatives that accept the diversity and constraints implied by contemporary cross-cultural policing and seek to establish and maintain a balance between native and non-native interests in the policing of native communities. This report has suggested that community-based policing may be instrumental in resolving these policing problems by placing the policing enterprise firmly within the context of native culture and community. Although "community-based policing" is an invention of non-native society, its principles suggest a compromise model of native policing that is potentially more productive as well as culturally compatible with the policing needs and requirements of variable and changing native communities. However, the development of community-based policing in the native setting cannot take place in a vacuum. It is important, therefore, to briefly review the likely impact of environmental factors on decisions of whether or not to pursue and develop community-based policing strategies in native communities and in the process outline the policy, program and research issues involved.

The escalating costs involved in meeting the demands of crime control models of policing for more police and more funding, together with restrictions on the growth of native police budgets, pose serious difficulties for native police programs. Within a framework of crime control policing this may mean either limiting police response options to exclusively crime fighting and law enforcement functions, or shifting the fiscal burden either directly to native communities or by manipulating native and non-native programs in other areas. These strategies, however, would seem either politically naive or economically unrealistic. A reasonable alternative in the face of these circumstances is to redefine policing resources at least partly in terms of community social organization. By drawing on the potential self-policing capacities and capabilities of native communities or by officially soliciting their support, community-based policing offers a promising solution to policing problems that derive from present and future economic constraints. This proposition, therefore, raises a number of important research issues in cultural, legal, demographic, political and economic domains.

There is an assumption shared by many non-natives that individual Natives and native groups will all ultimately succumb to the forces of modernity and assimilate to mainstream Canadian society. As a result, so the argument goes, it is essential to plan for native policing in terms of arrangements that are analogous in form and structure to those of non-native communities. Up to the present, this has meant the further development and expansion of crime control policing models for native communities. Leaving aside the question of future directions for non-native policing in Canada (see Murphy and Muir, 1984), it is not clear that community organization among native groups is destined to mirror that among non-native groups. Empirical and theoretical studies of contemporary forms of collective adaptation among native groups (e.g., Asch, 1979; Feit, 1973; Tanner, 1979) demonstrate that despite seemingly overwhelming pressures on Natives to abdicate principles of traditional social organization, some native groups have retained in some significant respects culturally distinctive and autonomous ways of life. Furthermore, the research findings suggest that continuity in the structures of native

communities is firmly grounded in native kinship networks and institutionalized reciprocity. This seems to be especially true among native groups with successful hunting economies.

Therefore, it is questionable whether the specifics of policing that flow from the social and economic organization of non-native communities (e.g., internal organization and procedures, enforcement priorities, service delivery methods and styles, etc.) should invariably provide a blueprint for native policing arrangements for particular native communities. Put another way, it would be useful to know how and in what ways contemporary social and economic formations among native groups impact on their self-policing capacities as well as policing preferences and priorities. Surprisingly little research of this nature has been conducted in Canada or elsewhere, despite its implications for alternative policing arrangements in native communities.

Some related research literature (e.g., Schwartz, 1954) has drawn attention to the implications of cooperative and collective forms of labour for the self-policing potential of especially small-scale communities. Rigorous comparative research is required to explore how widespread such economic relations are among native communities and to what extent they contribute to the development, maintenance and reinforcement of effective informal or locally institutionalized sanction systems. Alternatively, what mix of continuity and innovation at social and economic levels entail what kind of policing strategy in native communities? An issue to be explored in this context is how principles of traditional native social and economic organization are used to create binding reciprocal relationships and institutionalized interdependencies when Natives no longer participate in traditional economic activities. Because of its increasing demographic importance as well as general neglect in the research literature, the situation of urban Natives constitutes a research priority at this level of investigation.

Very little is known about the patterns of police service utlization among urban Natives or their preferences and potential for alternative

intervention mechanisms such as social services and programs or other facilities committed to native issues. Research is required to pinpoint the policing needs of urban natives and to assess their willingness and capacity to participate in cooperative relationships with the police. The status of police liaison programs in urban native communities also requires further study, while assumptions about the effectiveness of cross-cultural training for urban non-native police officers - as well as rural non-native police officers - needs to be tested. These areas of investigation are central to the issue of effective mutual involvement of the police and urban Natives in cross-cultural policing.

Changes in the circumstances of native life ways also raise research questions of a legal nature. The situation of conflicting native and non-native legal norms needs to be thoroughly researched at the community level. There is a lack of research literature that covers the types of "offences" native communities are willing to tolerate or that demand the exercise of police response options. Much of this research would be closely tied to basic research on the nature and extent of traditional or customary law, its status in native communities, and its potential for practical applications under changing conditions of community life. Some groups, such as the Cree of the Saddle Lake Reserve in Alberta, have already undertaken this type of research (cf. Kane, 1985). The Saddle Lake Reserve has also considered the option of codifying contemporary native common law as an aspect of the development of a wider justice system that reflects the non-adversarial approach of traditional native justice administration (Saddle Lake Tribal Justice Research Centre, 1985). However, the question of whether the codification of native laws is beneficial or sufficiently beneficial to policing in native communities requires theoretical and empirical scrutiny. In general, the research literature has very little to say on this issue in Canada (cf. Gordon and Meggitt, 1985: Chapter 7).

Native young adults are especially likely to come into conflict with the law and law enforcement agencies. Research and policy need to address the issue of traditional and contemporary native "division programs" as preventive policing strategies (e.g. ritual re-socializaion and community

re-orientation) and their relationship to the range of constraints on the behaviour of native young adults. In particular, a research focus is required on those institutions and mechanisms that Natives consider appropriate and instrumental in transmitting values about kin and community relationships across the generations.

Addressing these gaps in the research literature may prove to be instrumental in the formulation of remedial native police policies in Canada. Well-informed decisions about police programs and program options for native communities cannot be made on the basis of ethnocentric bias nor incomplete comprehension of the native policing problem and its associated issues. The particular choices Natives may wish to exercise in the pursuit of alternative policing arrangements for their communities are as yet unclear. It is clear, however, that policies and decisions which do not reflect the policing prerequisites of native communities will serve as poor guides in this process.

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